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Standard





ACTS  
OF THE  
General Assembly of Alabama,

PASSED AT THE  
SESSION OF 1884-85,  
HELD IN  
THE CITY OF MONTGOMERY,

COMMENCING 2D TUESDAY IN NOVEMBER, 1884.

*With Separate Index to General and Local Laws.*

---

E. A. O'NEAL, GOVERNOR.

THOS. SEAY, PRESIDENT OF THE SENATE.

H. CLAY ARMSTRONG, SPEAKER OF THE HOUSE.

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MONTGOMERY, ALA.:  
BARRETT & CO., STATE PRINTERS AND BINDERS.

1885.

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JUL 2 1930

# GENERAL LAWS OF ALABAMA.

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No. 1.]

AN ACT

[H. B. 161.

To levy taxes for the use of the State, and the counties thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the following rules for the taxation of persons and property are hereby established, to-wit:

1. The term, real property, shall be held to mean and include, not only land, city, town and village lots, but all things thereunto pertaining, and all structures and other things so annexed or attached thereto as to pass to a vendee by the conveyance of the land or lot. Definition of terms.

2. The term "personal property" shall be held to mean and include all things other than real property which have any pecuniary value, and moneys, credits, investments in any bonds, stocks, joint stock companies, or otherwise.

3. The term "moneys," or "money," shall be held to mean and include gold, silver and other coin, bills of exchange, bank bills or other bills or notes authorized to be circulated as money, whether in possession or on deposit subject to the draft of the depositor, or the person having the beneficial interest therein, on demand.

4. The term "credit" includes every claim and demand for money, labor, merchandise, or other valuable things, and money and property of any kind secured by deed of trust, mortgage, or otherwise.

5. The word "person" or "party" or other word or words importing the singular number, shall be held to include firms, companies, associations and corporations; and all words in the plural number shall apply to single individuals in all cases in which the spirit and intent of this chapter require it. All words importing the mascu-

line gender shall apply to females also; and all words importing the present tense shall apply to the future also.

SEC. 2. The following persons and property shall be exempt from taxation:

Schedule of  
exempted  
property.

1. All property belonging to the United States.
2. All bonds of the United States and this State; and all property, real and personal, of the State, counties, or other municipal corporations; all cemeteries, all lots in incorporated cities or towns, or within one mile of any city or town, to the extent of one acre, and all lots one mile or more distant from such cities or towns, to the extent of five acres, with buildings thereon, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; all school furniture and other personal property used exclusively for public school purposes; all property, real or personal, to an extent not exceeding twenty-five thousand dollars in value, as may be used exclusively for agricultural or horticultural associations of a public character.
3. All the property of literary and scientific institutions, and literary societies, not exempting any of such property, when employed in any other than the regular business of such institutions.
4. The libraries of ministers of the gospel, and all libraries other than those of a professional character, and all religious books kept for sale by ministers of the gospel and colporteurs.
5. All deaf mutes, insane and blind persons, and their property to the value of one thousand dollars.
6. From poll tax, all persons proven to be permanently disabled, whose taxable property does not exceed five hundred dollars.
7. All family portraits.
8. The following property to be selected by the head of each family, viz: Household and kitchen furniture, not to exceed in value one hundred and fifty dollars; one yoke of oxen, one cart or wagon, two cows and calves, twenty head of stock hogs, ten head of sheep, all poultry, all corn, provisions and supplies on hand for the current year for the use of the family and the making of the crop, all wearing apparel, all looms and spinning wheels kept for use in the family, farming tools to the value of twenty-five dollars, tools and implements of mechanics to the value of twenty-five dollars, one

sewing machine in each family when the taxable property does not exceed two hundred and fifty dollars.

9. All shares of the capital stock of any company or corporation which is required to list its property for taxation in this State, shall not be assessed against the shareholders of such company or corporation.

SEC. 3. There shall be collected from every male inhabitant in this State, not exempt by law, over the age of twenty-one years, and under forty-five, the sum of one dollar and a half as poll tax, which shall be applied exclusively in aid of the public school fund in the counties in which it is levied and collected.

Poll tax.

SEC. 4. All taxes, unless otherwise herein directed, shall become due and payable on the first day of October in each year, and shall become delinquent if not paid on or before the thirty-first day of December in each year, except in cases where parties are about to remove from the county, and except also poll taxes, which shall become delinquent if not paid on or before the first day of November in each year, after which last date as to poll taxes, the tax collector may proceed to enforce payment by garnishment, or the seizure and sale of personal property as herein provided for the collection of other delinquent taxes.

When taxes are due.

SEC. 5. For the use of this State, and to raise revenue therefor, there is hereby levied an annual tax upon the property and subjects herein declared, as follows, that is to say sixty cents on the hundred dollars of the value of:

Rate of taxation.

1. Each and every piece, parcel, tract or lot of land in this State, including therein all things pertaining to said piece, tract, parcel or lot of land, and all structures and other things so annexed or attached thereto as to pass to a vendee by conveyance of said realty, and on every separate or special interest in any land, such as mineral or timber, or other interest, when said interest is owned by a person other than the owner of the land or soil.

Schedule of property taxed

Real property.

2. All wharves and wharf boats, toll bridges and ferries, turnpikes and all passes, channels or canals where tolls are charged, street railroads, printing presses and materials or their value.

Wharves, wharf boats.

3. All steamboats, vessels and water craft of every name and kind, excepting such as are engaged in foreign commerce, to be assessed and collected at the port in this

Steamboats, &c

State where such steamboats, vessels and water crafts are enrolled, if practicable, otherwise, or if not enrolled at any port under the laws of the United States, then at any place or landing where the same may be found.

Goods, Wares,  
Merchandise,  
&c.

4. All stocks of goods, wares and merchandise, the assessment to be upon the average amount on hand during the preceding year, but the amount so assessed shall in no case be less than the capital actually employed in the business; and this shall include all goods, wares and merchandise kept on plantations or elsewhere, or by railroad companies, or manufacturing companies, or other associations, corporations or persons for sale or to be dealt out to laborers or employes for profit, or on account of their wages, and shall include all goods, wares and merchandise offered for sale by any person commencing business subsequently to the first day of January of the current year, but in the case last above named, the tax shall be apportioned according to the date at which the business shall be commenced, so that if commenced after the first day of April, the tax shall be three-fourths of the tax for the whole year; if commenced after the first day of July, the tax shall be one-half of the tax for the whole year; if the person, persons, association or corporation, carrying on such business, fail to make return of the amount of stock as herein designated, or if the tax assessor be not satisfied with such return, then said assessor, in order to make proper assessment, may examine the insurance effected by such person or persons, association or corporation, upon the stock so to be assessed, if the same can be ascertained, and may also by inquiry of persons believed to have knowledge of the subject, inform himself of the probable average amount of stock of such merchant, trader or dealer, and from such information assess the same upon the best judgment he can form.

Furniture,  
wagons, farming  
implements, &c.

5. All household furniture, libraries, jewelry, plates and silverware, ornaments and articles of taste, pianos and other musical instruments, paintings, clocks, gold and silver watches, and gold safety chains; all wagons or other vehicles; all mechanical tools and farming implements; all dirks and bowie knives, swords, canes, pistols and guns; all cattle, horses, mules, studs, jacks and jennets and race horses; all hogs, sheep and goats.

6. All money hoarded, whether in custody of the owner or on deposit in bank or elsewhere; but this shall not include money on deposit by persons engaged in any regular business in this State, for use in such business. Money hoarded, &c.

7. All moneyed capital, that is all money loaned, and solvent credits or credits of value, from which credits the indebtedness of the tax payer shall be deducted and the excess only shall be taxed; and all money employed in the business of advancing or loaning on stocks, bonds, bullion, bills of exchange, or promissory notes or in the purchase thereof, or in the discount of bills of exchange, promissory notes or bonds, or in dealing in stocks, bonds, bullion, bills of exchange or promissory notes, whether by individuals, companies, corporations or associations, except when the money so employed is otherwise taxed as capital. Solvent credits or credits of value, &c.

8. Each share of any bank, banking company or association, and located within this State, whether held by residents or non-residents of this State, the same to be assessed and collected in the county and in the city, town or village wherein such banking association is located, and not elsewhere, and to be paid by each such banking association for the shareholders thereof. All shares of national banks, or banking associations, organized under the laws of the United States, according to the actual or fair market value of such shares, whether held or owned by residents or non-residents of this State, to be assessed and collected in the county and in the city, town or village wherein such national bank or banking association is located, and not elsewhere, and to be paid by each such bank or banking association, for the shareholders thereof. It shall be the duty of the cashier or president of every such national bank or banking association to make out and return under oath on or before the 15th day of January, in each year, to the assessor of the county in which such bank or banking association is located, a list showing the total number of shares of the stock of such bank, the name and residence of the shareholders, as far as known, and the fair market value of such shares. Such president or cashier shall at the same time return to the assessor of the county a sworn statement of all taxable real estate or personal property, situate in this State, and the value thereof as assessed for taxation. Thereupon it shall be the duty of such assessor, after passing upon such assessment or as- Shares in banks, banking associations, &c.

assessments, to deduct from the amount or sum at which the whole of said shares are assessed, the amount or sum at which the taxable real and personal property situate in this State and belonging to such bank or banking association, is assessed for taxation, and the residue, or sum of values remaining after such deduction, shall be the assessed value of the whole of said shares, and this sum divided by the whole number of shares, shall constitute the value of each share for taxation. Such shares of stock, at the value assessed as aforesaid, may be treated by the owner thereof as money loaned, solvent credits or credits of value within the meaning of the laws of this State, and he shall be entitled to deduct his indebtedness from the assessed value thereof in such manner and under such regulations as may be from time to time prescribed by the Auditor, not inconsistent with the true intent and meaning of this provision—which is to provide that the taxation upon such shares of stock shall not in any manner be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of this State, and to guard against all unfavorable discrimination prohibited by the laws of the United States.

Capital stock  
of corporations  
&c.

9. The capital stock of all corporations, companies or associations created or existing under any law or enactment in force in this State, except such portions of the capital stock as may be invested in property which is otherwise taxed as property, the same to be paid by the corporation, company or association, but when such corporation pays the taxes in this act levied upon the shares into which its capital stock is divided, or the same is paid by the shareholders, said corporation shall only be required to pay the taxes levied upon the real and personal estate owned by such corporation, unless the investments of such corporation be otherwise herein taxed.

Bonds, &c.

10. All investments in bonds, except bonds of the United States and this State, and such other bonds as are not by law taxable; Provided, however, that all capital invested in bonds or currency which are exempt from taxation shall be liable to be taxed under this section should such capital, at any time during the year, be reconverted into money, bonds or property which is taxable, unless it be made to appear by the party thus re-converting such capital that the money, bonds, or property into

which such re-conversion may be made has been assessed for taxes for such year.

11. The roadbed, track, and all other real and personal property of railroads. Railroads.

12. All dividends declared or earned, and not divided by incorporated companies doing business in this State. Dividends.

13. All other property, real and personal, not otherwise specified herein. Miscellaneous.

SEC. 6. There shall also be assessed by the assessor in each county, on the following subjects and at the following rates, to-wit :

1. On the gross amount of sales at auction, made in or during the tax year preceding the assessment of goods, wares or merchandise owned by non-residents, each auctioneer shall be assessed and shall pay a tax of one-fourth of one per cent., and a like tax on all sales made by him of property owned by citizens of this State, which has been imported into the State and sold at auction before the same has been assessed for taxes as other property ; but on sale of goods, wares, merchandise and fruits by cargo, the rate of taxation shall be one-eighth of one per cent. Gross am't of sales at auct'n.

2. On the gross amount of premiums (after deducting therefrom the expenditures, losses paid and returned premiums) received from their business in this State during each tax year by any life, fire or marine insurance company not chartered by this State and doing business herein by agents or otherwise, at the rate of one per centum. Each agent in this State of any insurance company organized under the laws of any other State or country and doing business in this State, shall annually, in the month of January, return to the assessor of the county in which such agency is located, a sworn statement of the gross receipts of such agency for the year ending on the first day of that month, including all notes, accounts and other things received or agreed upon as a compensation for insurance at such agency, with a statement of expenditures, losses paid and returned premiums, and the company shall be charged with taxes at the place of such agency, on the amount so returned, and the agent shall also be personally responsible for such taxes, and may retain in his hands a sufficient amount of the company's assets to pay the same, unless the same shall be paid by the company. Any agent or company refusing or failing to make returns within the time prescribed by On gross am't premiums received by insurance co's not chartered by the State.

- law, or refusing to pay the amount assessed as tax, shall forever be debarred from doing business in this State.
- When chartered by State. 3. On the gross amount of premiums received from their business in this State during each tax year by any insurance company chartered or organized under any of the laws of this State, one per cent. on the gross amount of premiums, less the expenditures, losses paid and returned premiums; but in the case of life insurance companies chartered by or organized under any of the laws of this State one per centum on the gross amount of premiums, less the expenditures, reserved fund, returned premiums and losses paid.
- Factors, commission merchants, &c. 4. On the gross amount of commissions after deducting expenses for carrying on such business, or sums charged and received during such tax year by any factor, broker, commission merchant or other merchant or dealer in any kind of property, or auctioneer in buying, selling or for any other act in the course of their business for a commission or compensation by bale, sack, package or otherwise, and upon the gross commissions received by insurance agents as such, during the tax year, at the same rate that property is taxed.
- Cotton pickeries, gas works, &c. 5. On the gross receipts during such tax year of all cotton pickeries, and from the storage of cotton or other merchandise or produce, and on the gross amount of income, of all gas works, water works, ferries, toll bridges, public mills and gins used in ginning for tolls, after deducting the expense of carrying on such business, at the rate of one per cent.
- Telegraph, telephone co's &c. 6. On the gross amount of the receipts by any and every telegraph, telephone, electric lights and express company derived from the business done by it in this State, at the rate of two dollars on the hundred dollars.
- Sleeping car companies. 7. On the gross income of sleeping car companies, corporations or associations doing business or running or causing their cars to be run in this State, two per cent. exclusively for the use of the State.
- Associations for loaning money on mortgages, &c. 8. On the gross receipts derived from business in this State, by each and every person, company, association or corporation of this or any other State, who by themselves or agent, is engaged in the business of loaning money or other thing of value, upon mortgage or lien on any property in this State, two per cent. per annum; each such person, company, association or corporation so carry-

ing on said business, and when the said business is conducted by an agent or agents, each such agent must annually on the first day of April return to the assessor of each county wherein such business is carried on a sworn statement of the gross receipts from such business in said counties respectively, for the year preceding, including all commissions, notes, accounts, interest and other things received or agreed to be received by such party or by such report as compensation for or consideration of advancing the money or thing so loaned, or for negotiating or effecting such loan or loans and preparing or causing to be prepared the mortgage, contract or agreement, by which the security or lien is evidenced, or as compensation for the use of the money or thing so loaned, lent or advanced; and each such agent shall be personally responsible for the amount of the tax hereby levied and which may have been assessed under this section upon the said gross receipts of the persons, company, association or corporation, for which or in whose interest such agent may be acting; provided the tax hereby levied shall not apply to the business of such persons, companies, associations or corporations which are assessed for taxation upon their capital, or in case of corporations whose shareholders are taxed upon their shares in the capital stock thereof.

9. On the salaries, gains, incomes and profits of persons, partnerships and corporations in this State on which, Salaries, &c.,  
for past years. and as to which no assessment and payment of taxes has been made for any preceding year within ten years past, but which was liable to taxation under the law then existing, there shall be assessed and collected for each of such years for which no taxes were assessed and paid, a tax as provided in the laws existing during each of said years, which shall operate in lien of and in satisfaction of all liability of such persons and corporations for such escaped taxes. And the assessment provided for in this clause if not made on and in the general return of such persons and corporations of their property for taxation may be made by the tax assessor or collector as in the case of other escaped taxes.

SEC. 7. In the returns of taxable property to be made for taxation to the assessor, by or on behalf of building Building and  
loan assoc., &c. and loan associations doing business in this State, it shall not be necessary to return as part of such property the

notes and mortgages thereto of the stockholders or members of such associations, given to such associations for purchases of money or advances on stock made at the distribution of the funds thereof, if such members or stockholders so obtaining such loans or advances, pay the tax by law assessed and levied upon the whole value of the property, real or personal, so mortgaged, otherwise they must return for taxation the amount of their capital held by their members or stockholders upon loans or advances, and for which such members or stockholders do not pay a tax upon their said mortgages, and also the average amount of money held by them during the year preceding that for which their assessment returns are made.

#### LICENSES.

Schedule of  
licenses, &c.

SEC. 8. It shall be unlawful for any person, firm, company or corporation to engage in or carry on any business for which a license is by law required, without first having paid for and taken out a license therefor, in the manner hereinafter provided, and before any person, firm, company or corporation shall engage in or carry on any such business, he or they shall pay the judge of probate of the county in which it is proposed to do such act or carry on such business, the amount required by law for such license, taking his receipt therefor.

Probate Judge  
issues license.

SEC. 9. Upon the payment of such amount to the probate judge he shall issue the license, which shall set forth the name of the person, firm, company or corporation, the business which it is proposed to carry on, and the location where it is to be established; or if a peddler, whether he proposes to travel on foot, on horse or in a wagon, and such license shall not be transferable, nor shall it entitle the holder thereof to carry on or exercise any other business than the one therein named, nor at any other location than the one therein specified, and the probate judge shall be paid for making out such license a fee of not more than fifty cents by the person receiving the same.

Contents of li-  
cense, &c.

Solicitor fur-  
nished with  
list.

SEC. 10. The probate judge in each county on the first day of each circuit or city court, must furnish to the acting solicitor, to be by him laid before the grand jury, a statement in writing, showing the licenses granted and

the taxes received thereon, within the last twelve months preceding such court, to whom and for what such license was granted.

SEC. 11. On the last secular day in March, and every three months thereafter, the judge of probate shall forward to the Auditor of the State a certified list of all licenses issued by him, and at the same time pay to the State Treasurer the money received by him for such licenses belonging to the State, and to the county treasurer the portion belonging to the county, and shall receive two and a half per cent. for the collection and payment of the license money to the officer, State or county, to whom it is to be paid, to be deducted from his said collections.

Probate Judges  
forward state-  
ment to audi-  
tor.

SEC. 12. All licenses shall expire on the thirty-first day of December in each year, and shall be for one year, unless the business licensed shall commence after the first of July, in which case the price of the license shall be one half the amount of the year's license.

Licenses ex-  
pire, when.

SEC. 13. The licenses for selling liquors on steamboats may be taken out in any county through which they run, and such licensed party shall thereby be entitled to carry on said business on the steamboat therein named in any county in which said boat is navigated, and all licenses for selling liquors by retail must be kept posted up in plain sight near the bar; a failure to comply with this section forfeits the license.

Liquor license  
on steamboats,  
where taken  
out, &c.

SEC. 14. Prices of licenses shall be as follows, to-wit:

1. For each public race track at or within five miles of any city or town containing less than five thousand inhabitants, one hundred dollars; at or within five miles of any city or town containing more than five thousand inhabitants, two hundred dollars.

Schedule of  
prices.

Race tracks.

2. For the retail of spirituous, vinous or malt liquors on any steamboat or water craft, two hundred dollars, for the collection of which the State shall have a preferred lien on all such steamboats or other water craft for the amount required by law to be paid for such license to retail vinous, spirituous or malt liquors on such steamboat or water craft, to be enforced whenever such liquors are retailed by any person on any such boat or water craft, with the knowledge or consent of the captain, without having first procured a license, as provided by law, and the tax collector of any county where such vessel may

On steamboats  
&c.

ply is required to enforce this lien in the same manner and by the same proceedings as are authorized for the collection of taxes on steamboats.

Retail license  
in towns, &c.

3. For retailers of spirituous, vinous or malt liquors in any city, town, village or any other place of less than one thousand inhabitants, one hundred dollars; and in any city, town or village of more than one thousand inhabitants, and less than five thousand, one hundred and fifty dollars; in any city containing five thousand inhabitants or more, two hundred dollars. Any person who sells or disposes of spirituous, vinous or malt liquors or intoxicating bitters, in any quantity less than one quart shall be deemed a retail dealer, but each retailer of spirituous, vinous or malt liquors outside the following described boundaries in the city of Mobile, to-wit:

Definition of  
retailer, &c.

Right bank of Mobile river on the east, Church street on the south, Joachim street on the west, St. Michael street on the north, including those settled on the north side of St. Michael street, on the west side of Joachim, and the south side of Church street, shall be charged a State license of seventy-five dollars, but dealers in lager beer exclusively shall be charged one-fourth of the rates charged for license for selling ardent spirits, and any person who takes out and pays for a retail license shall not be required to take out a license as a wholesale dealer, and when a retail license is taken out after the first day of January and before the first day of July, the price of the license shall be the same as for a license for twelve months.

Wholesale  
dealers.

4. For wholesale dealers in spirituous, vinous or malt liquors in any place of less than one thousand inhabitants, fifty dollars; in any place of over one thousand and under three thousand inhabitants, seventy-five dollars; in any place of over three thousand inhabitants, one hundred and fifty dollars, but wholesale dealers living inside the following described boundries in the city of Mobile, to-wit:

Right bank of Mobile river on the east, Church street on the south, Joachim street on the west, State street on the north, including those settled on the north side of State street, and on the west side of Joachim street, and on the south side of Church street, shall be charged a State license of fifty dollars. Any person dealing in said articles who shall sell, barter or exchange,

or in any way dispose of, or permit to be taken, spirituous, vinous or malt liquors in any quantity less than one quart, or who shall permit the same to be drunk by the glass or single drink, in or about his place of business, shall be deemed a retail dealer, and any dealer so disposing of spirituous, vinous or malt liquors, only in the quantity of one quart or more, shall be deemed a wholesale dealer, but any person having taken out a license as a retail dealer, is authorized to sell at wholesale without additional license.

5. For compounders and rectifiers of spirituous or vinous liquors, one hundred dollars. Any person who rectifies, purifies or refines distilled spirits or wines by any process, or who mixes distilled spirits or wines with any chemicals, or compounds liquors for sale under any name, shall be deemed a compounder and rectifier.

Compounders  
and rectifiers.

6. For distillers of spirituous liquors, one hundred dollars; but this shall not apply to the distilling of fruits.

Distillers.

7. For brewers, fifteen dollars.

Brewers.

8. Pawnbrokers, fifty dollars.

Pawnbrokers.

9. For peddlers in a wagon drawn by one horse, or other animal, forty dollars; if drawn by two horses or other animals, fifty-five dollars; for peddlers on a horse or other animal, twenty-five dollars; for peddlers on foot, fifteen dollars; for peddlers accompanied by singers or performers on any musical instrument, one hundred dollars; provided, that peddlers of tinware only, who shall pay all lawful fees and one-third of the license fee herein provided, shall be entitled to such license; provided, further, that peddlers of wooden and stone or clay hollow-ware only, shall not be required to procure a license. A peddler's license shall entitle him to peddle only in the county where it is taken out; and it is hereby made the duty of justices of the peace and notaries public in this State to demand of peddlers, in their several precincts, their licenses, and unless they exhibit the same, or show that they have a right, under the law, to peddle the articles carried by them, without a license, such justices and notaries public, with the powers of a justice, must issue warrants for the arrest of such peddlers, returnable to any court in said county having criminal jurisdiction, which warrants may be executed by the sheriff or any constable of the county, but it shall be lawful for any

Peddlers.

person having but one arm, or but one leg, or who labors under any other physical disability, of making a livelihood by labor, to peddle in any county in the State free of license on the filing of the certificates of two regularly licensed physicians, in the office of probate of the county of his permanent residence, to the effect that such cripple is permanently disabled and that he cannot by labor make a livelihood for himself or family.

**Transient auctioneers.** 10. Upon transient or itinerant auctioneers or dealers in goods, wares and merchandise, other than licensed peddlers, and traveling agents of wholesale dealers in said articles, making sale thereof by sample, fifty dollars; itinerant dealers in fruit trees, fifty dollars.

**Bowling alleys.** 11. For bowling alleys, for the use of which money or other compensation is charged, twenty-five dollars for each alley; and for each bowling alley kept in connection with a drinking saloon, whether compensation is charged or not, twenty-five dollars.

**Billiard tables.** 12. For billiard tables, for the use of which money or any compensation is charged, twenty-five dollars for each table; other than those kept in connection with the business of a bar room or drinking saloon.

**Billiard table with saloon.** 13. For every billiard table kept in connection with the business of a bar room or drinking saloon, whether its use be charged for or not, fifty dollars; and for every table or device, or set of dominoe bones kept in connection with a drinking saloon for use in playing the game commonly known as dominoes, twenty-five dollars; and for every dice box and dice kept in a bar room, twenty-five dollars.

**Dominoes.**

**Dice.**

**Pool tables.** 14. For every table upon which the game of pin pool is played, one hundred dollars; for every table upon which a game of pool is played with fifteen balls, more or less, for the use of which money or other thing of value is charged, fifty dollars.

**Bagatelle.** 15. For bagatelle or jenny lind tables, fifty dollars; and the same amount for any other table or device of any kind, from which any kind of profit is derived to the keeper.

**Theatres.** 16. For theaters in towns or cities containing more than five thousand inhabitants, one hundred dollars; but the requirement of this license of one hundred dollars shall not extend to open air or summer theaters (such as at Mobile, on the bay shore, and known as "Frascati"),

but the license of such open air or summer theaters shall be twenty-five dollars; in towns or cities containing less than five thousand inhabitants, and more than two thousand, fifty dollars; and in towns or cities of less than two thousand inhabitants, twenty-five dollars; but the owners or managers of theaters holding such licenses, must issue tickets of admission to all persons whom they admit to their exhibitions; and must thereon assign a particular seat to each such visitor in such part of the theater as the convenience of the owner or managers may require, but this license shall extend only to dramatic and operatic exhibitions; if any doubt arise as to the character of an entertainment proposed to be exhibited in any theater the judge of probate of the county in which the theater is situated, shall determine whether or not it is covered by the theatrical license, and for public halls let for hire, twenty-five dollars.

17. For dealers in pistols or bowie knives or dirk knives, whether principal stock in trade or not, one hundred dollars. Dealers in pistols, &c.

18. For peddlers of medicines or other articles of like character, twenty-five dollars for each county in which they peddle. Peddlers of medicines.

19. Each lightning rod company selling lightning rods by themselves or their agents, and all persons who engage in the business of selling lightning rods, shall pay to the State fifty dollars, as a State tax. The payment of this tax to the State, evidenced by the receipt of any probate judge of this State, shall exempt the company or party so dealing, from the payment of this State tax in any other county; but in each county in which such parties carry on the business by themselves, or an agent, a license of ten dollars shall be paid for county purposes. Lightning rod agents.

20. Each sewing machine, stove, range, or clock company selling sewing machines, stoves, ranges, or clocks, either themselves or by their agents, and all persons who engage in the business of selling sewing machines, stoves, ranges, or clocks, shall pay to the State twenty-five dollars for each county in which they may so sell, but when merchants engaged in a general business, keep sewing machines, stoves, ranges, or clocks as a part of their stock in trade, they shall not be required to pay the tax herein provided. Sewing machines, &c.

- Mercantile agencies.** 21. Each and every person, party, partnership or corporation, who engage in the business of inquiring into and reporting upon the credit and standing of persons engaged in business in this State, shall pay a license tax of three hundred dollars. The payment of this tax to the State, evidenced by the receipt of any probate judge of this State, shall exempt the company or party carrying on such business, from the payment of this State tax in any other county, and payment of such tax shall not be required of any sub-agent or correspondent of the party or company carrying on such business in this State; and any person acting as correspondent or sub-agent of such party or company, and who shall transact any business for or make reports to such party or company, without the party or company having first paid the tax herein provided, shall be guilty of a misdemeanor, and upon conviction, must be fined in a sum not exceeding one hundred dollars.
- Circus.** 22. For each day's exhibition of a circus in towns or cities, or within two miles thereof, having more than five thousand inhabitants, one hundred and fifty dollars; in all other places, one hundred dollars.
- Menagerie, &c.** 23. For each exhibition of a menagerie or museum, twenty dollars.
- Side show.** 24. For each exhibition of a side show accompanying a circus, menagerie or museum, ten dollars.
- Legerdemain, &c.** 25. For each exhibition of feats of legerdemain, or slight-of-hand, or other exhibition or entertainment of like kinds, ten dollars.
- Concerts, &c.** 26. For concerts, musical entertainments, public lectures, and all other public exhibitions and entertainments not otherwise provided for, where charges are made for admission, or for the use of any instrument or device, or the participation in any exercise or entertainment, and not given for charitable, school or religious purposes, each entertainment five dollars; provided the provisions of this sub-division shall not apply to exhibitions or entertainments, given in theaters, where the manager thereof has taken out license as such manager.
- Shooting galleries.** 27. For each shooting gallery, twenty-five dollars.
- Cockpit.** 28. For each cockpit, two hundred and fifty dollars.
- Gypsies.** 29. For each company of traders, or fortune tellers, usually known as Gypsies, ten dollars.
- Skating rinks.** 30. For each skating rink, twenty-five dollars.

31. For fortune tellers, when compensation is received, Fortune tellers  
twenty-five dollars.

32. The owner or master of any steamboat or other water craft plying any of the rivers of this State, who engages in the business of buying, selling or bartering any goods, wares, merchandise, produce or commodity whatever on or from said boat, must pay a license of fifty dollars and the party so licensed shall thereby be entitled to carry on such business on the boat therein named, in any county in which said boat is navigated, provided cities and towns in which such person engages in such business, may impose such license as is exacted of like business in said city or town. The owner, conductor, or person in charge of every supply car, or car from which any goods, wares or merchandise are sold, whether to the servants of the railroad company or others, must pay a license of one hundred dollars, and the person so licensed shall thereby be entitled to carry on such business in the car therein named in any county in which said car is run or drawn, but each of said counties may charge a license therefor of ten dollars. Trading boats.

33. For traveling agents of wholesale dealers in goods, wares and merchandise, a tax of ten dollars, to be taken out in only one county. Drummers.

34. Each dealer in playing cards, five dollars. Playing cards.

Any person who engages in the business of buying or selling futures for speculation or on commission, shall pay a license tax of two hundred and fifty dollars, provided this shall not be held to legalize any contract which would otherwise be invalid. Dealers in futures, &c.

SEC. 15. Any person or persons selling lightning rods in this State for themselves or as agents for others without the tax provided for in the last preceding section having been paid, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred nor more than five hundred dollars. Selling lightning rods without license.

SEC. 16. Any person who solicits insurance on behalf of any insurance company not organized under or incorporated by the laws of this State, or who takes or transmits other than for himself any application for insurance or any policy of insurance, to or from such company, or who advertises or otherwise gives notice that he will receive or transmit the same, or who shall receive or deliver a policy of insurance of any such company, or who shall Definition of insurance Ag't

examine or inspect any risks or receive, collect or transmit any premium of insurance, or make or forward any diagram of any building or buildings or do or perform any other act or thing in the making or consummating any contract of insurance for, or with any such insurance company other than for himself, or who shall examine into or adjust or aid in adjusting any loss for or on behalf of any such insurance company, whether any such acts shall be done at the instance or request, or by the employment of such insurance company, or of or by any broker or other person, shall be held to be the agent of the company for which the act was done, or the risk is taken.

What constitutes doing business by Insurance Co.

SEC. 17. Whenever any person shall do or perform any of the acts mentioned in the next preceding section for or on behalf of any such insurance company within this State, such company shall be held to be doing business in this State, and shall be subject to the same taxes, State, county and municipal, as insurance companies not organized under or incorporated by the laws of this State, and doing business in this State, by agent or otherwise, are subject, the same to be assessed and collected as taxes are assessed and collected against such companies, and such persons so doing or performing any of such acts or things shall be personally liable for such taxes; and any person so doing or performing for any insurance company not organized under or incorporated by the laws of this State, without such company having first complied with the requirements of the laws of this State, or having received the certificate of authority from the Auditor of this State, as required by law, shall be guilty of a misdemeanor, and on conviction by any court of competent jurisdiction, for the first offense be fined five hundred dollars, and also a sum equal to the State, county and municipal licenses required to be paid by insurance companies not organized under or incorporated by the laws of this State, doing business in this State; and for any second or other offense, he shall be fined in the sum of one thousand dollars, and shall be imprisoned in the county jail for the period of six months, unless the fine assessed against him and the cost of court be sooner paid; provided, that a conviction under this act shall bar and preclude any prosecution for the same offense under section 1438 of the Code of Alabama, and procedure and recovery under said section of the code, shall preclude the right to proceed under this act for the same

offense, provided that such recovery and the costs of proceedings be fully paid and satisfied.

SEC. 18. *Be it further enacted*, That nothing in this act contained shall be construed to authorize or continue in force, after December 31, 1884, (except as expressly provided in this act) any tax upon salaries, gains or incomes, and all laws and parts of laws imposing or authorizing such a tax, shall be of no force after December 31, 1884. Repealing in-  
come tax.

SEC. 19. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; provided, however, that this repeal shall in no wise, nor in any manner affect the assessment or collection of taxes under the law heretofore existing for the tax year ending 31st day of December, 1884, or any previous year; and provided, further, that the provisions of this act shall not in any manner impair licenses paid under the authority of laws in force prior to the passage of this act; and provided further, that the provisions of this act shall not have the effect to repeal any special acts affecting particular counties or municipalities; and provided further, that this act shall not impair or operate upon any special law declaring rates of taxation resting on any contract with this State; provided also that nothing in this act shall be taken to repeal section 495 of the code. Repealing  
clause.

Exceptions.

Approved December 12, 1884.

No. 2.]

AN ACT

[H. B. 162.

To provide for the assessment and collection of taxes for the use of this State and the counties thereof, and to define the duties of officers engaged about the said assessment and collection of taxes.

Be it enacted by the General Assembly of Alabama, as follows:

SECTION 1. It shall be the duty of each person liable to taxation in each election precinct, upon notice given by the assessor as hereinafter provided to attend at the time and place designated in such precinct, and render to the assessor in writing, a complete list of all the items, and Duties of tax  
payors.

the value of each item, upon which he is liable to be taxed, as well as such items or item, and the value thereof, as may be exempt from taxation, and all real property by townships, range and section, or subdivisions of sections, or if city or town lots, by a succinct description thereof, from which list the assessor shall make out the assessment and the tax payer shall subscribe an affidavit thereon that such assessment contains a correct list of all his taxable property to the best of his knowledge and belief. If the assessor shall ascertain that any property so returned has been recently sold, or would sell for a greater sum than that given in such return, he shall put the valuation thereof at the market price, but the valuation made by the tax payer shall in no case prevent the assessor from determining the true value of any item of taxable property therein contained, by inspection, by other evidence, or other information as to the true value thereof. And when the assessor raises the valuation of any property given in by the tax payer, he shall notify him in writing of the fact before making his return to the judge of probate.

Tax payer to  
make full state-  
ment of prop-  
erty to asses-  
sor.

SEC. 2. Every person of full age and sound mind, and every firm, body politic or corporate, shall when called upon, as herein provided, forthwith make a full and true statement in writing, to the assessor in the county in which he or she resides, in which shall be truly and distinctly set forth a correct description of all real and personal property of which he or she is the owner, or holder as guardian, parent, husband or trustee, executor, administrator, receiver, accounting officer, partner, agent or factor, and also all moneys and credits owned, held, or on deposit anywhere in the State on the first day of January preceding the assessment, except as herein otherwise prescribed; and all property brought into the State since the first day of January, and before the assessor had completed his assessment, shall be subject to taxation the same as if it had been held and owned in this State on the first day of January.

Who may send  
lists.

SEC. 3. When the owner of any taxable property within a county resides out of the county, or is, by reason of any infirmity or disability, unable to attend the appointments of the assessor, or is a female, such person may send the list sworn to as required in the last section, by another person.

SEC. 4. Any tax payer who has failed to make returns of any taxable property to the assessor at his appointment, may make return of the same to him or his deputy, at his office, or wherever he may be found by the first day of May following. Make return by 1st May.

SEC. 5. The tax assessors of this State must administer the following oath, orally, to every tax payer before proceeding to list his property:

"You do solemnly swear that you will true answers make to the lawful questions which I may put touching the return you are about to make, and that you will make a true return of all the taxable property at its market value owned by you on the first day of January last, to the best of your knowledge and belief, so help you God." Oath of tax payers.

The assessors of taxes in this State, or their authorized deputies, are hereby empowered to administer such oath, and any violation of it shall subject the person guilty of such violation to all the pains and penalties prescribed by law for the crime of perjury. Penalty.

SEC. 6. When the tax assessor shall have administered the foregoing oath, he may particularly inquire of the said tax payer as to the items and details of the property and subjects of taxation of which he may be supposed to be in possession and for which liable to be taxed, and property exempt from taxation, and of the value thereof in order that he may elicit from such tax payer a complete statement of the whole amount, and specific items of the property and subjects of taxation with which he should be charged for purposes of assessment and taxation. And if such tax payer refuse to make such return as herein required, or assessor be not satisfied with the correctness thereof, the assessor shall, from the best information he can obtain from any source within his reach, make such assessment of the property and subjects of taxation to be charged against said tax payer, as may seem just and proper. Statement of taxable property.

SEC. 7. *Be it further enacted,* That the description of real estate may be as follows:

1. If it be an entire section, it may be described by the number of the section, township and range. Description of real property.
2. If it be a subdivision of a section authorized by the United States for the sale of public lands, it may be de-

scribed by a designation of such subdivision with the number of the section, township and range.

3. If it be less or other than a subdivision, it may be described by the designation of the number of the lot, or other lands by which it is bounded, or in some way by which it may be known.

4. In cases of land surveyed or laid out as a town, city or village, and a plat thereof recorded in the office of the probate judge of the county, if the tract to be assessed be a whole lot or block, it shall be described by the designation of the number thereof; if it be a part of a lot or block, it may be described by its boundaries or some other way by which it may be known, and it shall not be necessary to insert the quantity of such land in the assessment.

5. If it be a tract of which the subdivision is not known to the assessor, it shall be entered upon the list by the boundaries thereof, or in some other way by which it may be known or identified.

6. It shall be sufficient to describe lands to be assessed or sold for taxes by initials, abbreviations and figures.

Who must list  
property.

SEC. 8. The property of every ward shall be listed by his guardian; of every minor child having no other guardian, by his father, if living; if the father be dead, by the mother, if living; if the mother be dead or married, by the person having it in charge; of the wife, by the husband, if living and sane and the parties are residing together; if the husband be dead or insane or is not living with his wife, by the wife; of any person for whose benefit property is held in trust, by the trustee; of every deceased person by the executors or administrators; of those whose property or assets are in the hands of receivers, by such receivers; of every firm, body politic or corporate, by the president or principal accounting officer, partner or agent thereof; of all property in the hands or custody of any public officer or appointee of a court, by such officer or appointee; of those absent or unknown by their agent or person having it in charge; of insane or idiotic persons of full age, by their guardians, if they have any; if they have no guardian, by the person having it in charge; of the lessors of real property, by such lessors. All persons herein required to list property for others shall list it separately from their own and in the name of the owner thereof.

SEC. 9. *Be it further enacted*, That the taxable property of corporations which are not otherwise regulated as to taxation by the revenue laws of this State, shall be returned to the assessor by the president or chief officer of said corporations with the estimated value thereof. In making such return and list of the property of said corporation, the said officer so required to make the same, shall state the market value of the capital stock of said corporation and the items of property in which said capital is invested, with the value thereof, and the number of shares into which the capital stock is divided, with a statement of the par value of such share and the actual market value of each such share. If such corporations make such list and return and pay to the tax collector the taxes assessed or which would be by law due upon said property so listed and returned, then no tax shall be demanded or collected of the holders of the shares into which the capital stock of said corporation may be divided.

SEC. 10. *Be it further enacted*, That the tax payers in the several election precincts within their county, whether persons, associations, or corporations, the two latter acting by their duly authorized agents, may attend the appointment of the tax collector as advertised for their precincts and then and there pay to him the taxes due by them respectively to the State and county, including any and all special or other taxes authorized by law. If from any cause, such payment is not made at the precinct at the time advertised by the tax collector, said tax payers may, without penalty, except the fee to the tax collector for making the personal demand, pay their said taxes to the collector at any time before the same are delinquent. If paid after the same have by law become delinquent, then, in addition to the amount of the tax, such delinquent tax payer shall also pay to said tax collector the costs, if any, which have accrued for advertisement or otherwise as may be required by law.

SEC. 11. On or before the first day of April in each year, the president, secretary or auditor of any railroad company whose track or road-bed, or any part thereof is in this State, or, if such railroad is in the hands of a receiver, then such receiver shall, under oath, make return in writing to the Auditor of the State of the total length of said railroad and the value thereof, including the right

of way, road-bed, side track and main track in this State, distinguishing the total length and value thereof in this State and in each county, city and incorporated town in this State. Said return shall also report the number and value of the locomotive engines, passenger, freight, platform, construction and other cars of the railroad company of whose property said return is made and of the average amount and value of merchandise and supplies kept or carried on trains for sale or profit by such companies to employees or other persons in this State for the year next preceding the return required by this section, and said returns by this section required to be made to the auditor shall be by him laid before the board for the assessment of property of railroad companies hereinafter appointed, at its next meeting after the receipt of such returns, to enable said board to perform the duties required by this act to be done by it.

Failure of railroads to make returns.

SEC. 12. If any railroad company or its officers, or if in the hands of a receiver, such receiver, fail to make to the auditor the returns herein required on or before the first day of April in each year, the auditor shall proceed to ascertain the values of the items in the preceding sections enumerated, from the best information which he can obtain and report his assessment so made to the board for the assessment of property of railroad companies at the next meeting of said board.

Board of assessment of railroads.

SEC. 13. The governor as president, the secretary of state, the auditor and the treasurer of the State shall constitute a board for the assessment of the items of property of railroad companies returned to the auditor of the State, and a majority of such board shall constitute a quorum; such board shall meet at the office of the auditor annually, on the first Wednesday in May, and if there should not be a majority of the board present at that time, the auditor shall immediately notify the governor of the fact, who shall appoint another day of meeting as early as practicable, which appointment shall be notified by the auditor to the other members of the board, and should any further failure to meet occur, the governor shall have power and is required to repeat the appointment until a meeting of a quorum is effected. When the said board has assembled as by this section required, they shall proceed to examine and pass upon the returns by the previous section required, and if no such returns have been

Appointment for meeting.

Duties.

received, then to consider and examine the values as assessed by the auditor, and decide upon the valuation to be charged for the purposes of taxation against said railroad companies on the property hereinbefore named; and in case no return has been made by or on behalf of any railroad companies, said board may add to the assessment which it may adopt a penalty of not more than fifty per cent. thereon. Penalty.

If, at any meeting, the board should not have in its possession satisfactory data upon which to base an estimate of the value of the property with the assessment of which it is charged, or from any other cause, is not able to make or complete its assessment, it may adjourn for any interval of time which may in its opinion be requisite to accomplish its object, and it shall have power to call upon any officer of any railroad for any records, books or documents of any description, or for answers to any interrogatories which it may deem necessary to an intelligent discharge of its duties; and it shall also be empowered to require the attendance of any officer of any railroad, or any other person, when testimony of such persons may to it seem material in the case. Powers.

The valuation of the property of railroad companies shall proceed upon the same principles as the valuation of every other species of property; that is to say, the valuation of such property shall be had exclusively upon the consideration of what a clear fee simple title to such property would sell for under the conditions under which that character of property is most usually sold. How valuation shall proceed.

The attorney-general of the State shall be present at every meeting of the board to represent the interests of the State. It shall be his duty to assist the board with his advice, or otherwise, and to make such suggestions and representations to it as he may deem advisable to protect the interests of the State. Attorney Gen'l to be present at meetings.

The board shall keep a record of its proceedings, and when the members are equally divided upon any question, the attorney-general shall decide the point and in every case in which he dissents from the conclusion of the majority of the board he shall spread upon the records his reasons for such dissent. The absence of the attorney-general shall be sufficient ground for adjourning the session of the board. The minutes shall also show what members of the board were present. Board to keep a record.

Auditor to notify assessor of no. of miles of railroads, machinery, &c., taxable in each county.

SEC. 14. When said board shall have acted upon said assessments and decided upon the amount of value to be charged against said railroad companies respectively, the auditor of this State shall notify the assessors of each county through which said road runs of the number of miles of track and the value thereof, in his county, and the proportionate value of the property of said railroad company taxable in his county, to be entered in the book of assessments in his county in addition to other real property, fixtures, machinery, tools and other property belonging to said railroad company in his county, to be assessed as other property of like kind owned by private citizens of his county; Provided, that the auditor shall send to the superintendent of each railroad so assessed, by the board as aforesaid, copies of his notification as sent to the county assessors, of the railroad of which said superintendent has charge.

Affecting telegraph property

SEC. 15. The president, secretary, auditor or managing agent in this State of every telegraph company whose line or any part thereof, is within this State, must annually, on or before the first day of April in each year, under oath make return to the auditor of the State of the number of miles of telegraph wire in this State belonging to it and the value thereof, the number of poles, batteries, instruments and articles of all kinds connected with its business and the value thereof, specifying the several counties in which said property is situated, and the value thereof in each of said counties, and must also in said return report the gross receipts of said company gained from its business done in this State during the year, and if said companies or any of them, their officers or agents, fail to make returns as herein required by the time specified, the auditor must ascertain the income and value of said property from the best information he can obtain. And said auditor must make report of said returns, or failure to return as herein required, to the board for the assessment of property of railroad companies. Said board is hereby directed to proceed and deal with said returns and property as in the case of railroads, and for failures to make returns as herein required, may add to the assessment by the auditor a penalty of not more than fifty per cent. Upon the valuation being made by said board, the auditor must notify the result to the assessors of the several counties wherein said prop-

erty lies, as directed in the case of railroads, and said assessors must thereafter deal with the matters in their several counties, and with any other taxable property of said companies in their counties, as they are directed to proceed in the case of railroads.

SEC. 16. It shall be the duty of the auditor or accounting officer of each company, association or corporation, engaged in the business of running in this State sleeping cars, and in the business usually carried on by express companies, during the month of April in each year, to make under oath, through their agent in this State, annual returns of the amount of their gross receipts to the auditor of the State, and at the same time pay to the treasurer of the State the amount of tax thereon as certified by the auditor, provided this enactment shall not apply to companies, corporations or associations who pay tax under contract existing between such parties and the State, and in case of failure of such company, association or corporation to make return and pay the tax that may be levied during the said month of April, it shall be the duty of the auditor of the State, from the best information he can obtain, to assess against such defaulting company, association or corporation the amount of such gross receipts and add thereto a penalty of fifty per cent. upon such amount, and to certify such failure to make return and payment of tax, together with the amount so by him assessed, to the tax collector of any county wherein such company, association or corporation runs any of its cars or carries on any of its business, whereupon it shall be the duty of such tax collector to seize into his possession any personal property which he can find of such company, association or corporation, and sell the same for the payment of the tax so assessed in the same manner in all respects as he is herein directed to sell personal property of defaulting tax payers.

Affecting sleeping car companies.

SEC. 17. Each and every telephone company in this State, owning instruments or operating lines, must, by its president, secretary or manager, make on or before the first day of May in each year, to the assessor of the county wherein its line is worked, a report of property as required by this act to be made by the officers or agents of telegraph companies to the auditor of the State, and in case of failure to make such report, the assessor must ascertain by the best information he can

Affecting telephone property.

obtain, the value of the property of such company which should have been reported to him and thereto add a penalty of fifty per cent. Such assessment must be entered on the book of assessments as assessments on property are required to be entered in addition to the taxable property in his county chargeable for taxation to such company.

Real estate of railroad, telegraph, sleeping car, and express companies.

SEC. 18. The president, secretary, auditor, manager or agents of all railroad, telegraph, sleeping car and express companies, owning real estate in any county in this State, shall make out and deliver to the assessor of each county wherein the property is situated, on or before the first day of May of each year, a full and complete list of all lands and town lots, by section, township and range, and by lot and block, of all lands or lots owned or held by them subject to taxation by the laws of this State.

Tax assessor elected or appointed

SEC. 19. *Be it further enacted*, That every four years there shall be elected or appointed, as the law may direct, for the term provided by law, an assessor of taxes for each county in this State, who shall perform the duties herein prescribed to be done and performed by the tax assessor.

Duties; bond.

SEC. 20. Before entering upon the duties of his office the assessor shall execute his bond, with security, in the sum of two thousand dollars payable to the State of Alabama, and conditioned faithfully to discharge the duties of his office, which bond shall be approved by the probate judge of the county, and executed in duplicate parts, one of which must be filed in the office of the probate judge, and the other by the assessor in the office of the auditor of the State.

Affidav.t.

SEC. 21. The tax assessor shall, before entering upon the duties of his office, file in the probate court of his county an affidavit that he will faithfully and diligently discharge all the duties by law imposed upon him as tax assessor of his county.

Notice of appointment.

SEC. 22. The assessor shall give at least twenty days' notice by advertisement in a newspaper, if there be one published in the county, and by bills posted at five or more public places in each election precinct of the time when and place where he will attend to assess the taxes. He shall visit each precinct twice, at least thirty days apart, and remain there one day each time from eight o'clock a. m. until four p. m. Upon the failure of the

assessor to give the notice required by this section, or to attend any appointment made by him in any precinct, he shall, after legal notice, fill new appointments, or forfeit all claim to fees from such persons in such precincts as were disappointed by his non-attendance, but he shall be entitled to fees for their failure to attend the second appointment from persons who attended the first.

SEC. 23. After the assessor shall have completed his Delinquents. sittings in each year, he shall make a demand in person or by deputy upon such tax payers as have failed to meet him at his appointments, wherever he may find them, and when unable to find them he may leave a written notice at the residence or place of business of such delinquent, and it shall be the duty of such delinquent to make a return to the assessor by the first day of May following, at his office or wherever he may be found.

SEC. 24. The taxable property, and property exempt from taxation, of each tax payer shall be entered by Taxable property entered on blanks. the assessor upon a blank assessment list in the form of an account, which shall show each item of taxation assessed, amount and value of each item as valued by the tax payer or ascertained by the assessor, and the amount of deductions to which he is entitled, and said assessor shall, upon demand, furnish the tax payer with a certified copy of his assessment list. The tax payer, or his agent, if the tax payer be a non-resident, shall make oath in writing that said list contains a full and true statement of the subjects of taxation with which he is chargeable, and of the value thereof. The said list shall be by the assessor delivered to the court of county commissioners for examination in connection with the book of assessments on or before the second Monday of July in each year; excepting Lists delivered to court of co. comm'rs by 2d Monday of July. that as to such supplemental assessments as he may make under authority of this act, he must return the assessment lists thereof to said court on or before the second Monday of August in each year for the examination by said court.

SEC. 25. Whenever the tax assessor, while performing the duties of his said office, knows or learns of any property, real or personal, within his county, whose owner he does not know and can not learn, and which is not embraced in any return to him by or from any tax payer, the assessor shall assess the value thereof to "owner unknown" Where owner of property is unknown. according to the best information which he can obtain, in

all respects the same as he is hereby required to make assessments of property to persons who do not make returns to him of their property, and shall return the same and make entry of such assessment in the book of assessments as is by law required in the case of assessment to known owners. The assessor shall be entitled to the same fees as in the case of delinquency by a known owner of property.

Failure to procure lists.

SEC. 26. Having failed to procure, upon proper demand made, from any delinquent his list of taxable property before the first day of May, the assessor shall ascertain from inquiry or otherwise, the property and other subjects of taxation upon which such person is liable to be taxed, to the best of his information and judgment, and such assessment shall be entered in a book kept for that purpose.

Tax assessor's statement.

SEC. 27. The tax assessor must make a condensed statement of the assessments provided for in this act, which shall be entered in a book suitably ruled and substantially bound, which book shall show in separate columns, the names of persons assessed in each precinct in alphabetical order, the number of acres of land assessed to each person, the value of the same, together with any other real estate, the number, amount and value of all other taxable property, and property exempt from taxation, and the whole number, amount and value of each separate item entered therein, together with the amount of State tax charged to each tax payer, shall be extended and footed up, the footings carried forward from page to page, and the total amount of the assessment footed up for the county, which book of assessment shall be delivered to the Probate Judge of the county by the first Monday of July of each year: the assessor shall also keep a list and make a book containing a list alphabetically arranged of all persons liable to poll tax in each precinct, which shall be delivered to the Probate Judge by the first Monday of July. And after the county taxes shall have been levied by the court of county commissioners as provided by law, it shall be the duty of the tax assessor, and he is hereby required to compute such county taxes, and enter in said tax book of assessment the amount of county taxes due by each tax payer, opposite his name, and otherwise complete such tax book according to law and the orders of the court of county commissioners.

Delivered to probate judge.

SEC. 28. The tax assessor, while making his assessments in each year, shall note on the list required in section twenty-four and book required in section twenty-seven, the township and range in which each person liable for poll tax resides, and he shall note the number of each race in the township liable to poll tax. Any assessor failing to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars.

Poll tax listed  
by township &  
range.

SEC. 29. It shall be the duty of the assessor, annually, to make out a complete list of all the lands in his county subject to taxation in a book properly ruled and bound, beginning with the lowest section, township and range, and proceeding in numerical order to the highest; setting opposite each division and subdivision of section, the name of the reputed owner thereof, and when the owner is not known, these words, "owner unknown."

List of all lands  
and names of  
owners.

SEC. 30. The assessor shall be authorized to appoint deputies, and the acts of such deputies shall be recognized as the acts of the assessor, and the assessor shall be responsible for any loss sustained by any tax payer, or by the county or the State, by reason of any unlawful act or assessment of such deputy. Such deputies shall receive no compensation for their services out of the county or State revenue.

Deputies.

SEC. 31. Whenever the assessor shall discover that any person or property has escaped taxation in any previous assessment, he shall assess the taxes thereon for such years as such person or property has escaped taxation within five years from that date.

Escaped taxation.

SEC. 32. When the assessor has reason to believe that any person who has been assessed is about to leave the county, he shall at once notify the tax collector, and on failure to do so he shall be liable for the full amount of the tax due or to become due upon such assessment.

Tax payer absconding.

SEC. 33. In all cases where by the laws of this State returns are required to be made to the tax assessor, whether by persons or by companies, corporations or associations existing under the laws of this State, or under the laws of any other State or country, doing business in this State, of the gross or net receipts of such business, and such return is not made to such tax assessor at or by the time required by law, and shall remain so in default for

Where returns  
are not made.

Remedy.

the space of ten days, the said tax assessor, after notice to the party required to make such return, shall upon the best information which he can obtain, ascertain the probable amount of such receipts, and shall assess the amount so ascertained with fifty per cent. thereon added thereto as a penalty to the person, company, corporation, or association, which should have made such return but failed so to do. And the amount so adjudged shall be the amount on which the collector of taxes shall collect the tax levied by law.

Time of assessment

SEC. 34. The assessment may commence on the first day of January and shall be finished by the first day of July in each year: but the assessor may be allowed until the first Monday in August in each year to make a supplemental assessment upon property which he may have failed to assess prior to the first day of July, entering the same upon the original book of assessment as any other assessment. And the probate judge shall embrace such assessment in his abstracts for the auditor and collector.

Make return of book to probate judge by 1st Monday in July.

SEC. 35. The assessor shall make return of his book of assessment to the Judge of Probate on or before the first Monday in July in each year, and take a receipt therefor. And the book shall be open for the examination and inspection of all persons, but he shall be allowed until the second Monday in August in each year to make supplemental returns. If any tax assessor without good and sufficient cause, to be decided by the Governor, fails to comply with the provisions of this section, he shall be suspended by the Governor from the further performance of the duties of his office, and shall remain suspended unless the General Assembly, by joint resolution, restore him to his office. During such suspension the Governor shall appoint a tax commissioner, whose duty it shall be to assess taxes of the county, in which such tax assessor has been suspended, and perform all the duties of the office according to law, after qualifying therefor as required by law for tax assessors, and shall be amenable to all the rules, regulations, requirements and responsibilities declared by law.

Tax assessor's commission.

SEC. 36. The assessor shall be entitled to receive from the tax collector, out of the first moneys received from the State, giving him duplicate receipts therefor, one of which receipts shall be by the tax collector forwarded to the auditor, the following commissions upon the amount

of the State taxes assessed by him, to-wit: In counties where the State taxes assessed do not exceed twelve thousand dollars, the rate of commission shall be eight per cent. on the first thousand dollars, four per cent. on the next thousand dollars, and two per cent. on the remainder. In counties where the State tax exceeds twelve thousand dollars, the commissions shall be the same as the above up to twelve thousand dollars and one and one-half per cent. up to sixty thousand dollars, and one half of one per cent. on the remainder. He shall also receive from the tax collector the same rate of commission upon the amount of county taxes and of special taxes, which are regularly assessed, carried up or extended on the assessment book, giving duplicate receipts to the collector for all moneys so paid by him to the assessor. He shall also receive five per cent. upon the amount of taxes assessed upon property which has escaped taxation in the assessments for the previous years, such previous assessments not having been made while he was tax assessor. But no such assessment shall be made on any property for any year preceding five years before the date when the assessment is made. He shall not receive commissions on errors made in assessments or on abatements or deductions from assessments allowed to the tax payer, whether such errors were ascertained, or such abatements or deductions were allowed before or after the tax book has been turned over to the collector, as provided by section fifty of this act, nor shall he, after said book has been turned over to the tax collector, receive commission on any assessment to which an objection by the tax payer, regularly entered, may be then pending, until such objection is disposed of and the proper assessment ascertained and determined by the court of county commissioners; and if the commissions have been paid on any assessment before the error therein has been ascertained, or before the allowance of such abatement or reduction, then he shall refund the same upon the notice from the tax collector, and if not thus refunded, the tax collector must retain the amount of the same out of any fees or commissions due or to become due to the assessor; provided that the tax collector shall also retain out of any fees or commissions due or to become due to the tax assessor the amount of commissions due and allowed to the tax collector on matters of escaped assessment and taxation.

Assessor's fee  
for making de-  
mand.

SEC. 37. For making the demand or giving the notice required herein, the assessor shall be entitled to charge each tax payer of whom such demand has been made or to whom such notice has been given fifty cents, to be entered upon the assessment of such tax payer, which the tax collector shall collect as other taxes, and pay over to the assessor, provided he shall not charge but one fee from each tax payer for making such demand or giving notice of poll tax and tax on property. The assessor shall be allowed three per cent. for making list and keeping book of poll taxes which shall be paid out of the poll tax, but no compensation shall be allowed to the assessor on polls which are declared to be errors by the court of county commissioners.

Regular terms  
of meeting on  
2d Mondays in  
May, July and  
August.

SEC. 38. For the performance of their duties under this act the court of county commissioners of each county, or the court by whatever name called which exercises the jurisdiction by the laws of this State assigned to the court of county commissioners, shall hold regular terms on the second Mondays of May, July, and August in each year, and shall also hold such adjourned and special terms as may be necessary to complete the business confided to said court under this act.

Examination  
of insolvents  
and errors.

SEC. 39. At the term to be held in May of each year, of the court of county commissioners, upon receiving from the tax collector the list of insolvents and the list of errors in assessment required by section sixty-five of this act, it shall be the duty of said court to proceed at once to a rigid and careful examination of the same and to make proper correction thereof, and thereupon shall credit the tax collector with the amount which in the judgment of the court should be allowed him upon the amount of taxes with which he is charged, and the presiding officer of the court shall within ten days after the adjournment of the court certify in writing to the Auditor of the State the amount so allowed to the collector on account of insolvencies and in a separate list, errors in assessments to be by said Auditor allowed to the tax collector as a credit on the final settlement of the State taxes due thereon. Upon the allowance by the court of county commissioners to the tax collector of the credits herein authorized, it shall be the duty of the Probate Judge or other presiding officer of said court within twenty days after the adjournment of said

Certificate of  
auditor, &c.

May term, to cause to be made from such lists a separate list for each beat in the county, for collection in the manner in section one hundred and thirty-one of this act directed so far as collection thereof is possible.

SEC. 40. At the term beginning on the second Monday of July it shall be the duty of the Judge of Probate of the county to deliver to said court the book of assessments which is by law required to be prepared by the tax assessor of the county. Said court shall then proceed to examine said assessment book and ascertain if it is prepared in the manner prescribed by law, and if so, accept the same; and by advertisement published in some newspaper in the county for the space of fifteen days, or if there be none such published, then by posting the same in three public places in the county, give notice that the book of assessment is prepared and ready for inspection by the tax payers, and that the court will sit on the second Monday of August thereafter to examine the assessor's returns, and if any error be found to correct the same.

Probate judge delivers book to commissioners; when.

Time for inspection by tax payers.

SEC. 41. Said court shall sit on the second Monday in August for the purpose of hearing objections to the assessments as provided in the preceding section, and shall, if the notice therein provided has been given, proceed and determine the same upon the evidence which may be offered. In all cases where objection is made it shall be the duty of the clerk of the court, upon the making of such objection, in a proper book provided for the purpose, to make in writing in the form of a docket a note of the objection or objections which the person complaining may present to the matter of assessment complained of. The decision of the court to be made instant, unless a longer time be agreed on by the court and the tax payer, shall be entered in said docket opposite the statement of objections therein and signed by the presiding officer of the court, and the tax assessor shall immediately correct the assessment book and lists accordingly. If, in the course of its examination, the court think any assessment is an under valuation of the property or subject of taxation, said court shall have power to increase the assessment to the proper amount, but, before such increase is adjudged, the person or party to whom said property or subject is assessed, shall have at least five days notice in writing, to be served by the tax assessor, of the time when said proposed increase will be considered, and for

Court sits on 2d Monday in August.

May increase assessment on notice.

this purpose said court may adjourn to a day certain, in order that the required notice may be given. The tax assessor shall attend the sessions of said court at the regular meetings in July and August while said court is engaged in the examination, hearing and correction of assessments. Nothing herein contained shall prevent the court of county commissioners from correcting any errors in assessment which may be discovered subsequently to this said meeting in August, and no change shall be made in any assessment of any preceding year, or when the taxes have been already collected.

Court of commissioners to refuse any list not returned in manner prescribed.

SEC. 42. The court of commissioners of any county must refuse to receive from tax assessor any list of property not returned in the manner prescribed in this act, unless it shall appear to its satisfaction that the prolonged absence or non-residence of the tax-payer was a bar to its performance. All assessment lists which may be accepted by the court must be alphabetically arranged under the direction of said court, and be carefully preserved for reference when needed, for the space of three years, when they may be destroyed.

Escaped taxation.

SEC. 43. In all cases where a tax is claimed from persons or on property as escaped taxation, the tax assessor shall report the same in writing to said court of county commissioners, who upon five days written notice to the person or party from whom it is claimed to be served by said assessor, if such person is known, shall at any regular or special term proceed to allow, modify or reject the claim as the justice of the case upon the evidence produced may require. If the claim is approved by said court, the assessment shall be entered on the book of assessments for the year wherein the alleged discovery is made, and shall be dealt with, collected and paid over as if the assessment had been regularly entered in the book of assessment for the year when the said alleged escaped taxes were due and payable.

Claim approved by court.

Assessments to be fair and just.

SEC. 44. The intent and purpose of the foregoing sections is to have all property and subjects of taxation fairly assessed at the value which would be realized therefrom by a sale thereof in such manner as such property and subjects are usually sold, and for this purpose the power and authority hereby conferred upon such court of county commissioners shall be liberally construed.

SEC. 45. After the adjournment of the said term of the second Monday in August of the court of county commissioners, and after said court has made the levy on said assessments for county purposes, as in this act provided, and the tax assessor has corrected his book as herein provided, in accordance with the rulings and decisions of said court of county commissioners as hereinbefore directed, and after the said tax assessor, as it is hereby made his duty to do, shall have extended opposite the name of each tax payer the amount of State tax, county tax and of other tax, if any, with which such tax payer is chargeable, and shall have footed at the bottom of each page the aggregate amount of each of said taxes, carrying his footings from page to page, and showing in conclusion the aggregate of each of such taxes to be raised in the county, the presiding officer of said court shall certify upon said book of assessments that the same have been examined, corrected and allowed by said court of county commissioners; that the amount of the State tax is \$——, the amount of county is \$——, the amount of special tax is \$——, the total amount of the poll tax is \$——, and thereupon said certificate shall be the warrant to the tax collector of the county to proceed to collect the taxes in the manner directed by law so ascertained.

After adjournment and levy.

Presiding officer's certificate of correctness.

SEC. 46. It shall be the duty of the court of county commissioners, if they shall correct any errors or make any abatements or deductions in assessments at any time after the collector's book has been by the probate judge turned over to the tax collector, forthwith to notify the tax collector of the same.

Collector to be notified of any errors.

SEC. 47. The court of county commissioners shall have power to compel the production before them, at any time, of all such books and papers as by law are required to be made or kept by the tax assessors and tax collectors of their respective counties relating to the revenue of the State and county.

Books, &c., to be produced.

SEC. 48. It shall be the duty of the said court of county commissioners at the said term of the second Monday in August to levy the amount of taxes required for expenses of the county for the current year, not to exceed one-half of one per cent. upon the values of said counties assessed for revenue to the State as shown by the book of assessments after the same shall have been

County levy.

corrected as herein provided: Said court may also for county purposes assess persons subject to license tax such per centage upon such license in addition to the amount imposed by the State as in their judgment may be necessary, not exceeding fifty per cent.

Commissioners  
to provide plot.

SEC. 49. It shall be the duty of said court of county commissioners to provide a plot of the county (unless such plot has already been provided) showing by section, range and township all the land in their county, the nature thereof, whether agricultural, mineral, grazing or timber, and all lots in cities or towns by their usual number or description. The sections shall be numbered with the numbers given in the United States surveys, and such sections or parts of sections as belong to the United States or to any corporation by grant of the United States, shall be designated; but as the same, from time to time, becomes private property by purchase from the United States or otherwise, the fact shall be noted upon said plot. Said plot shall also show the several sections or parts of sections occupied by any railroad company in the right of way of its line of railroad track.

Probate judge  
to furnish ab-  
stract book to  
collector.

SEC. 50. After the court of county commissioners have received the books from the tax assessor and errors have been corrected as provided in this act, and said assessor has otherwise completed the entries in the book as herein directed, the probate judge must make a book containing in concise form the amount of taxes due by each taxpayer, which book shall show the amount of tax on real estate and personal property separately, together with the fees of the assessor and collector, which book must be turned over by the probate judge to the tax collector on or before the day when the taxes become due; and for making out such book the probate judge shall receive such compensation as the court of county commissioners or board of revenue shall allow. Provided, that said compensation in no case shall exceed the sum of one hundred dollars.

Same to audit-  
or.

Sec. 51. It is the duty of the probate judge to make out in duplicate, upon blank forms to be furnished by the auditor, a complete abstract of all real and personal property as contained in the assessment book in his county, showing the total amount and value of each class of taxable property and property exempt from taxation contained therein, and the amount of tax on each item

extended in a column and a statement of the polls in his county; and the total amount of such sums extended; one of which he must forward to the auditor of the State within ten days after adjournment of the term of second Monday in August of the court of county commissioners, and the other he must file in the tax collector's office.

SEC. 52. It is the duty of the probate judge on or before the tenth day of March in each year, to furnish the tax assessor with a list of all agents for insurance companies in his county with the names of the companies which they represent. List of insurance companies.

SEC. 53. All licenses required by this act to be obtained by persons or parties to enable them to carry on the business for which license is required, shall be issued by the judges of probate in the respective counties in this State, and shall be countersigned by him. They shall be in the form and on blanks to be furnished by the auditor of the State, specifying the business to be carried on thereunder, the time for which license is issued, and the amount of tax therefor, and shall be issued by the said judge of probate only on the payment to him in cash, by the applicant, of the amount by law required for such license. Each judge of probate shall keep in a book in his office, prepared for that purpose, an accurate account of all the licenses received by him from the auditor and of the disposition by him made of them, and of all money received by him from licenses by him issued, and make report thereof to the auditor at the time or times required by law; and shall on demand of the auditor, at any time exhibit to him, or to any agent appointed by the auditor for that purpose, the originals of all licenses then remaining in his hands not disposed of, and shall also, on such demand, exhibit the book herein before prescribed. Licenses. Blanks furnished by auditor. Probate judge to keep record.

SEC. 54. That every four years there shall be elected or appointed, as the law may direct, for the term provided by law, a collector of the State and county taxes in and for each county in this State, who shall perform the duties herein prescribed to be done and performed by the collector. Tax collector elected or appointed; term.

SEC. 55. Before entering upon the duties of his office, the tax collector shall execute his bond, with at least two securities, to be approved by the judge of probate in such Bond, amount when filed.

county, which bond shall be for double the probable amount of the taxes at any one time in his hands, to be determined for the respective counties by the State auditor, with condition to perform all the duties of his office which are or may be required by law; which bond shall be executed in duplicate, one of which shall be filed in the office of the judge of probate, and the other in the office of the State auditor; and the bond of the tax collector shall operate from its execution as a lien in favor of the State and county on the property of such tax collector for the amount of any judgment which may be rendered against him in his official capacity, for the State and county taxes, and on the property of sureties, from the date of his default.

**Affidavit.** SEC. 56. The tax collector shall, before entering upon the duties of his office, file in the probate court of his county an affidavit that he will faithfully and diligently discharge all the duties by law imposed upon him as tax collector of his county.

**Appointment notices** SEC. 57. The tax collector must give at least thirty days' notice by publication in a newspaper, if there is one published in the county and by bills posted at five or more public places in each election precinct, that he will attend at the place of voting in such precinct for the purpose of receiving taxes, and he shall visit each precinct twice, remaining there at least one day each time, from eight o'clock a. m. until 4 p. m. at least thirty days apart.

**Form of tax collector's receipt.** SEC. 58. The tax collector shall attend at such appointments to collect the State taxes, together with the county tax and such other special taxes, forfeitures and fees, as may be by law required of him to collect, receipting for the same upon a printed list in the form of an account, which shall show the number or amount and the value of each item liable to tax, together with a description of all the real estate so taxed, by its subdivisions as described in the assessment list, the amount of the tax thereon extended, and the total amount of taxes due by each taxpayer, which receipt he shall deliver to the taxpayer; and such receipt, or one of similar import shall correspond with the entries in the stub book and shall be prima facie evidence that such taxpayer has paid all of his State and county taxes for that year, on the real and personal property itemized against him in the assessment

list. The collector shall keep a stub book for each tax year and upon payment of taxes by any taxpayer shall enter therein the name of such taxpayer, the amount of his taxes on real and personal estate separately, the amount of all taxes and fees collected from him and date of payment. At the end of the tax year this book shall be delivered by the tax collector to the probate judge of the county, to be kept in his office. The commissioners court shall have the power to compel the production of such book by the tax collector for their inspection at any time.

To keep stub book.

SEC. 59. Upon the failure of the collector to attend any appointment made by him in any precinct, he shall, after legal notice, fill new appointments for such precincts, or forfeit all claims to fees from such persons in such precincts as were disappointed by his non-attendance.

New appointments.

SEC. 60. Such appointments shall be completed before the thirty-first day of December, and the collector shall be present at the county site for ten days, except in the counties of Jefferson, Montgomery and Mobile, he shall be present at the county site thirty days preceding the first day of January from 8 o'clock a. m. until 4 o'clock p. m. for the purpose of receiving taxes, and the collector for Jefferson county shall receive the same fees as allowed by special acts to the collectors for Montgomery and Dallas counties on collections made by them, provided such collector complies with the provisions of said special acts.

Appointments completed; when.

SEC. 61. After the collector shall have completed his sittings in December for the collection of taxes, he or his authorized deputy must make a personal demand upon delinquent tax payers wherever they may be found for the amount of their taxes and costs, and when unable to find them shall leave a written or printed notice at the place of residence of such tax payers, and it shall be the duty of such delinquents forthwith to make payment in full of their taxes and fees to the collector or his deputy.

Make personal demand.

SEC. 62. After the first day of January in each year the tax collector or his deputy must proceed without delay to levy upon any personal property of delinquent tax payers (and no property, whether exempt by law from taxation or not, shall be exempt from levy and sale for taxes), and after ten day's notice by posting bills at three or more

Process ag'inst delinquents; when & where.

Surplus, after  
sale of person-  
al property.

public places in the precinct in which such delinquent resides, must sell the same or as much thereof as may be sufficient to satisfy the taxes, fees and costs of such sale; which sale may be made either at the place of voting in such precinct, at the court house of the county, or anywhere in the beat, where the amount of tax does not exceed five dollars; but the tax payer may, at any moment before the sale, pay the taxes, fees and costs, and thereby release the property. No personal property sold for taxes shall be subject to redemption. Whenever the proceeds of sale of any personal property for taxes shall amount to more than the taxes and other charges, the tax collector shall pay such excess to the owner if present; if not he shall deposit it with the county treasurer, or probate judge where there is no county treasurer, taking a separate receipt for the over-plus in each case, and this excess shall be kept as a special fund, and whenever the former owner of any property sold for taxes shall apply to the tax collector for the excess of the purchase-money, the collector shall deliver to him the receipt for the same, which, upon presentation to the county treasurer or the probate judge, as the case may be, for payment thereof, shall be accordingly paid.

Proce'd 'gainst  
real estate;  
when.

SEC. 63. Where no personal property can be found with reasonable search, the tax collector must proceed against the real estate of any delinquent tax payer in the manner hereinafter provided.

Proceed by  
garnishment.

SEC. 64. It is the duty of each tax collector to ascertain who are in his county defaulting tax payers; and it shall be his duty to ascertain what person or persons, if any, are indebted to, or has in his or their possession, or under their control, any money or effects, the property of such defaulting tax payer; and upon the ascertainment of the fact, the tax collector is hereby authorized to proceed by garnishment, and serve the person who may be so indebted or have property or effects belonging to the defendant tax payer, with personal notice in writing, of at least ten days, to appear before any justice of the peace in the county on a day therein named, or before the circuit or city court having jurisdiction, to answer as a garnishee, under oath, as to his indebtedness, what money or effects he may have in his hands belonging to such defaulting tax payer. The same proceedings shall be had thereon as is now provided by law in the case of garnish-

ment. Of these proceedings such defaulting tax payer shall have like notice. The sum of one dollar shall be paid to the tax collector for his extra services in each case, two dollars shall be paid the justice trying the same, and the same collecting fees shall be paid the officer collecting as are now allowed by law, to be taxed against the defaulting tax payer. The proceeding shall be in the name of the State. And where the garnishment is returnable into the circuit or city courts, the sheriff and clerk shall have for similar services the fees now provided by law, and the tax collector the sum of two dollars for extra services.

Tax collector's fees.

SEC. 65. That the tax collector must report on oath to the court of county commissioners at the term of the court to be held in May each year, a list of the persons, with the amount of the tax charged against such persons, from whom the taxes assessed against them can not be collected, which shall be termed "List of Insolvents" and also a list of such persons as have been over assessed by the assessor, together with the tax claimed on such assessment, which shall be termed "List of Errors in Assessment," in order that the same may be passed upon and determined by the said court of county commissioners. After the same has been by the said court, acted upon, as required by section thirty-nine of this act, said tax collector shall be, and is hereby prohibited thereafter from collecting any tax appearing on such insolvent list.

List of insolvents, report on oath.

List of errors.

SEC. 66. It is the duty of any tax collector, whenever upon information or otherwise he has reason to believe that any person owing taxes to the State is about to leave or remove his property from the county or State, and that the State is in danger of losing such taxes, to make out a bill showing the amount of taxes for which such person is liable; which bill shall be certified by him to the probate judge. Upon the examination and approval thereof by the probate judge, such certified bill shall operate as a writ of *fiery facias*, and the tax collector shall proceed to collect the same by levy and sale, and the same proceedings shall be thereon allowed as are had upon proceedings on writs of *fiery facias* by the sheriff.

Absconding tax payer.

Fieri facias writ.

SEC. 67. On failure of the collector to act when notified by the assessor that any person assessed is about to leave the county, the collector himself shall be liable for

Liability of tax collectors.

the full amount of the tax due or to become due against such tax payer.

Poll tax to be kept separate. SEC. 68. The tax collector shall keep a separate account of the amount of poll tax paid by persons of each race in each township, and shall furnish a statement of the same to the county superintendent of education on payment of said tax to him.

Unassessed taxes. SEC. 69. That it is the duty of the tax collector when engaged in the collection of taxes for any year, if he discovers that any person or property within his county has not been assessed by the assessor with the tax or taxes lawfully chargeable to such person or property for that year or any preceding year, not more than five years before that time, forthwith in writing to notify the assessor of the fact so discovered in order that proper assessment of unassessed taxes may be made.

Commissions of tax collector pro-rated. SEC. 70. The tax collector shall be entitled to commissions upon the amount of State taxes collected by him as follows: In counties where the collections do not exceed twelve thousand dollars, the rate of commissions shall be eight per cent. on the first thousand dollars, four per cent. on the next thousand dollars, and two per cent. on the remainder. In counties where the State taxes exceed twelve thousand dollars, the commissions shall be the same as above declared upon the first twelve thousand, and one and one-half per cent. up to sixty thousand dollars, and one-half of one per cent. on remainder. He shall be entitled to the same rates of commission upon the county taxes, and shall be allowed a commission of five per cent. upon the amount of poll tax collected by him. And, upon subjects of escaped taxation, in addition to the commissions on his amount collected, he shall be entitled to one-half of the commissions allowed by this act so the assessor for assessing the same, so as to divide the assessor's fees equally between said collector and the assessor; and the collector may retain his commissions upon collections when he makes payment of said collections into the State Treasury, as by this act directed.

Mileage allowance. SEC. 71. The collector shall receive ten cents per mile in going to and returning from the seat of government, for the purpose of making returns and paying the taxes, once in each year, the distance to be the same as that established by law for members of the legislature.

SEC. 72. For making the demand or giving the notice

required by section sixty-one, provided he shall not charge but one fee to each tax payer for making such demand and giving notice of delinquent poll tax and tax on property, the collector shall collect for his own use, in addition to the tax, fifty cents; and for making a levy and sale, the collector shall, for each, be entitled to one dollar.

SEC. 73. The tax collector in each county in this State, shall on the first day of each month, commencing with the first day of November, in each fiscal year, make a written itemized report, under oath, to the county treasurer of the county, or if no such officer, to the probate judge of the county, setting forth by precincts, the amount of money collected by such tax collector as State and county taxes respectively, for the preceding month and up to the date of such report, subsequent to his preceding report, and within five days after making such monthly report, such tax collector shall promptly pay to the State treasurer, all State taxes then due from him to the State, by him before that time collected, and shall then also pay to the county treasurer all county taxes then due to the county of which he is tax collector, by him before that time collected.

SEC. 74. The county treasurer, or the probate judge, if there be no county treasurer, must within three days after the tax collector files his report, as required by the preceding section, report to the State auditor and State treasurer each, the amount of collections on account of State taxes, as shown by the report of the tax collector, which report of such county treasurer, must be forwarded to the State auditor and State treasurer respectively, and said State treasurer shall report to the governor promptly any and all failures of tax collectors to comply with section seventy-three of this act, within five days after any such failure of any tax collector.

SEC. 75. Each tax collector must also on or before the tenth day of January and the tenth day of April, in each year, account to the auditor, under oath, for the amount of taxes before those dates by him collected for the current year, and upon such accounting, shall be allowed by the auditor the amount then due him for commissions, fees, expenses and outlays in the discharge of his duties under the laws of the State.

SEC. 76. On or before the first day of July in each

Fees for making demand.

Itemized report monthly.

Payment to St. Treasurer.

Amount of collections reported to auditor and treasurer; when.

Account under oath to auditor

Final settle-  
ment; when  
made.

year, the tax collector must make final settlement with the auditor of all matters pertaining to his said office of tax collector, and pay over to the treasurer the balance which may be found due from him for amount of taxes with which he is chargeable under the laws of this State; and at that time he must also account to the auditor and pay over to the treasurer all money received by him from the sale of lands and other property which may have been sold for payment of taxes, and also account to the auditor for all the lands bought in by the State. He must, also, on or before the day last above named, make final settlement under oath, with the county treasurer for all the county taxes which have been assessed and levied for the use of the county, and then pay over to the county treasurer the balance of the county tax due from him as such tax collector, and not paid over prior to that date according to the tax books in the office of the probate judge; and any failure to pay over or to produce any money collected by such tax collector, as either State or county taxes, after demand by the State and county treasurers respectively shall be taken to be *prima facie* evidence of embezzlement under section four thousand three hundred and eighty-nine of the code of Alabama, by such tax collector, and he shall be punished on conviction thereof according to law.

Evidence of  
embezzlement.

Removal of  
suspension by  
Governor for  
cause.

Sec. 77. If any tax collector in this State, without good and sufficient excuse, to be decided by the Governor of the State, shall fail to comply with the requirements of sections seventy-three, seventy-five and seventy-six of this act, or shall fail to comply with any of such requirements such tax collector shall be, by such Governor, suspended from any further performance of the duties of the office of tax collector and shall remain suspended therefrom, unless the General Assembly of this State, by joint resolution restore such tax collector to his office; and during such suspension of such tax collector, the Governor shall appoint a tax commissioner whose duty it shall be to collect the taxes of the county in which such tax collector has been suspended, and perform all the duties of the office according to law after qualifying therefor, as required by law for tax collectors, and shall be amenable to all the rules, regulations, requirements and responsibilities declared by the laws of this State pertaining to the office of tax collector, during the time such tax com-

Appointment  
of tax commis-  
sioner.

missioner continues in such office of tax collector, or discharges any of the duties thereof under this act.

SEC. 78. In case of the death of any tax collector, his executor or administrator must, within two months after the grant of letters testamentary, or of administration, settle all of the unsettled accounts of such collector with the auditor, pay into the State treasury all moneys received by such tax collector on account of the State, deducting therefrom all fees, commissions and allowances to which by law he is entitled, and must make like settlements with the county treasurer.

SEC. 79. Whenever any of the tax collectors of the several counties of this State collect any special tax, or taxes of whatever character, they shall, and are hereby required to specify, in the tax receipt they give each taxpayer the amount of the special tax or taxes so collected, and the purposes for which it was levied or collected.

SEC. 80. The tax collectors must keep the money collected under any special levy separate from all other money, and shall pay the same over to the county treasurer as a distinct fund.

SEC. 81. The county treasurer receiving such fund is hereby required to keep the same separate and distinct from every and all other funds, and shall keep a distinct account against each and every of such funds, and shall disburse the same promptly upon orders purporting in terms to be drawn upon such special fund, by the legally authorized authority.

SEC. 82. When the objects for which such special fund or funds were raised shall have been accomplished, or, for any other reason, is no longer required for the purpose for which it was levied, the parties charged with the administration or application of such fund or funds, shall notify the treasurer, who, thereupon, shall close the account of such fund or funds, and transfer any balance which may remain, to the account of the general fund of the county.

SEC. 83. *Be it further enacted,* That the several probate courts of this State are empowered to order a sale of lands within their respective counties, for the payment of taxes assessed against the owners thereof, when the collector shall report to the court, that no personal property has been found sufficient therefor, in the manner hereinafter provided.

**SEC. 84.** It shall be the duty of each tax collector of this State to procure a substantially bound book, at the expense of the county, in which he shall enter, in the manner usual in docketing causes for trial in the circuit courts, each parcel of all real estate assessed to any person or persons against whom taxes have been assessed which are not paid, when a portion or all of said taxes are on said real estate, describing each parcel in the same manner as it was assessed and the amount of the unpaid taxes and charges due by such person or persons, specifying therein the amount due the State, that due the county, and that due for penalties and fees. He shall in such book, in like manner, enter all real estate which has been assessed as the property of "unknown owner," and the amount of taxes and the charges due thereon, and state, in each case, the fact that it was so assessed. These descriptions shall be entered in said books, by beats, of the residence of such person or persons, and in alphabetical order; but when the owner resides out of the county, or is unknown, then in the beat where the land is situated. Said tax collector shall, at the end of the book hereinbefore required, enter, make and subscribe to the following oath, to be administered by the judge of probate, in whose office it is filed:

**Oath.** "I do solemnly swear that I have in each case entered in this book, made diligent search for personal property of the parties against whom the taxes are respectively assessed, and after diligent search, I was unable to find sufficient personal property from which to collect the taxes, or any part thereof."

**SEC. 85.** The tax collector shall deliver the book so prepared into the office of the probate judge by the tenth day of March, but the judge shall not receive such docket unless it be prepared in an orderly manner and in a regular and legible handwriting, without erasures and interlineations, with sufficient space to make the entries hereinafter required, and in other particulars such as are suitable to fulfill the purposes of this act. And if said book should not be properly prepared the judge shall cause it to be done at the expense of the collector, and the cost shall be deducted from his compensation. The provisions of this act shall not be construed to prevent the delivery of said book as required by the provisions of this act, to the probate judge after the tenth day of

Duty of collector to keep record book of assessed, but unpaid taxes.

Unknown owner.

Delivery of book; when.

**March**, if from any cause there has been a failure to deliver the same by that time.

**SEC. 86.** Twenty days before the beginning of the term of the court for which the cause is set for trial, which term of the court shall be at the April term thereof, the probate judge shall issue to the owner, his agent or representative of each parcel of real estate entered in said book a notice in the following form: The State of Alabama, \_\_\_\_\_ county. To A. B. (a delinquent tax payer.) The tax collector has filed in my office a list of delinquent tax payers and real estate upon which taxes are due. You are reported as delinquent, and the following lands or lots are reported as assessed to you, to-wit: (here insert description). This is to notify you to appear before me on Monday, the \_\_\_\_\_ day of \_\_\_\_\_, then and there to show cause why a decree for the sale of said lands (or lots) should not be made for the amount of \$\_\_\_\_\_ and charges thereon due for State and county taxes and costs. \_\_\_\_\_, probate judge.

Form of notice  
to delinquents.

**SEC. 87.** A copy of such notice must be served upon the owner, or his agent or representative, or left at the residence or place of business of such owner, agent or representative, by the tax collector, or any person appointed by him, in writing endorsed upon the original, upon which shall be endorsed the return of the collector, showing whether served or not, and if served, when, where and how such service was made, shall be returned at least two days before the beginning of the term at which the cause is set for hearing, and if the owner is unknown or a non-resident, then the notice shall be by publication in a newspaper, and if no newspaper is published in the county, by posting notices at the court house of the county for three weeks. If the notice has not been served and the return made as prescribed in this section, then the cause shall be continued to the next succeeding term of said court and from term to term until notice has been given, as herein provided.

Copy of notice  
served; when,  
how and by  
whom.

**SEC. 88.** If as much as ten days have intervened between the service of the notice and the commencement of the term to which it is returned, or it is made to appear to the court that the notice provided for in case of owner unknown or non-resident has been given and the tax payer interposes no defense, the probate judge shall enter up a decree of sale in the following form, to-wit:

Decree of sale.

"It appearing to the court that taxes have been assessed against the person and the land mentioned in this cause to the amount of — dollars for the year —, and that the same is still due and unpaid, and it further appearing that notice has been given as required by law, that a motion would be made for a decree of sale of said lands for the payment of said taxes and the cost and charges thereon, and no valid defense having been shown, it is therefore considered and decreed by the court that the State of Alabama has a lien on the following described lands (here describe them) for the amount of — dollars, being the amount of State and county taxes due and unpaid and the cost and charges thereon. It is further ordered by the court that said lands or so much of the same as may be necessary, be sold for the payment of said delinquent taxes and the cost and charges thereon due;" which decree shall be signed by the probate judge.

SEC. 89. It shall be the duty of the tax collector to attend at the several terms of the Probate Court at which complaint for delinquent taxes may be triable, and to have with him his tax book, which shall in all cases be accepted as *prima facie* evidence of the amount of taxes due by delinquent tax payers, and of the fact that such taxes have been properly assessed and are unpaid.

SEC. 90. At the end of the term of the court in which decrees are rendered for the sale of property for taxes, the collector shall give notice for thirty days before the day fixed for the sale by publication in a newspaper, if there be any published in his county, once a week for three successive weeks, at a rate in each case of not over one cent per word for each insertion, and by posting up notice at the court house in his county, and in each precinct where any portion of the land lies, at least three weeks before the day of sale, and if there be no newspaper published in the county, or advertisement therein cannot be had at the rate herein prescribed, then the posting of said notice at the court house and in the precincts as hereinbefore directed shall be sufficient, that at the time specified he will proceed to sell all the property against which decrees were rendered at said term of the court; and the notice shall embrace a description of the property to be sold, but letters and figures may be used to denote township, range and sections, parts of sections, lots, blocks, dates and the amount of taxes and costs.

Collector to attend Probate Court with tax book.

Collector to give notice of day of sale; how.

Each amount or number, expressed in figures, and each initial letter shall be counted as one word. The probate judge must attend the sale of real property sold for taxes, and make a record thereof in a book to be kept by him for that purpose, in which he shall describe each parcel of real estate sold or offered for sale, as it is described on his decree docket, stating in separate columns the amounts taken from the collector's list of each kind of tax, penalties and costs for each tract or lot, how much sold and what part of each tract or lot was sold, to whom sold, price paid by the purchaser, date of sale, and if no sale has been effected, stating that fact. Said sales shall be made by the tax collector between the hours of ten a. m. and four p. m., and shall continue from day to day until all the lands are sold. That in addition to fees, forfeitures and cost in each case, the collector must charge and collect from each individual purchaser at such tax sale the price of advertising the lands bought by such purchaser, and immediately pay over to the publisher the amounts so collected. Any tax collector failing or refusing to pay over on demand the amount so collected by him shall be liable to the same penalties as if the money so collected, and retained by him, had been collected for the use of the State. The auditor of the State shall after every tax sale, audit the account of the publisher for the advertisement of all lands bid in for the State and draw his warrant in favor of such publisher, on the treasurer of the State, for the total amount he may find to be lawfully due such publisher, and the treasurer shall pay the same.

Probate judge attends sale.

Time of making sale.

SEC. 91. The person purchasing any tract of land or town lot or any part thereof, at any such sale, shall forthwith pay the collector the amount of his bid, and on failure to do so the land or lot shall be at once again offered for sale in the same manner as if no sale had been made.

Amount bid to be paid forthwith.

SEC. 92. In all advertisements for the sale of real property for taxes, and in entries required to be made by the judge of probate, collector or other officer, letters and figures may be used to indicate townships, ranges, sections, parts of sections, lots, blocks and dates and the amount of taxes and costs.

Letters and figures used.

SEC. 93. The defendant may appeal from the decree of the Probate Court within thirty days thereafter, to the

Appeal to Circuit Court.

next term of the Circuit Court of the county on the party praying the appeal executing a bond payable to the State of Alabama, with good and sufficient security to be approved by said judge of probate, in double the amount of the decree, conditioned that the appellant will prosecute his appeal to effect and pay such judgment as the Circuit Court may render on the trial of the appeal. The circuit judge shall cause an issue to be made up and the case shall be tried as other causes in that court and on trials on appeals; an appeal shall be *de novo*. If the appeal is decided against the appellant the court shall render a judgment against the defendant and the sureties on his appeal bond in favor of the State for the amount of taxes due by the defendant and for the cost and fees due the several officers besides the costs of appeal, for all of which execution may issue as in any other cases, and said judgment shall be a lien upon said lands superior to all other liens.

Sheriff to pay over money to collector.

SEC. 94. Whenever the sheriff shall collect such claim on judgment in the Circuit Court he shall pay over the money to the tax collector, and the collector shall pay over all moneys collected upon county levies, to the treasurer of the county and shall account to the auditor and pay to the State treasurer such portion thereof as belongs to the State.

Fees of probate judge, &c.

SEC. 95. The probate judge shall have twenty cents for every notice issued, and fifty cents in lieu of all costs and charges on every decree. The tax collector shall have twenty-five cents for serving every notice, but for his attendance at court, he shall receive no pay. In case of appeal, the sheriff and clerk of the Circuit Court shall for their services be respectively entitled to the same fees as is provided by law for like services in other cases. Such costs, and the cost of advertisement shall be paid out of the proceeds of the sale, on an order by the judge of probate. The excess arising from the sale above the amount of taxes, forfeitures, penalties and costs, shall be paid over to the owner or representative of the property, or into the county treasury on his account.

Lands bid in for the State; when.

SEC. 96. Whenever any real estate shall be offered for sale under any of the provisions of this act it shall be the duty of the officer offering the same for sale, to notify the probate judge of the county, and it shall be the duty of such probate judge to attend such sale, and in the

event that no person shall bid for such land a sufficient sum to pay the taxes, costs, and fees, the probate judge shall bid in said lands for the State, at a price not exceeding the amount of such taxes, costs and fees. The probate judge must thereafter, upon the docket filed with him by the tax collector for sale of land in default of payment of taxes, enter opposite the entries, respectively, the name of the purchaser thereof with the amount bid therefor, and must make similar entry in said book, where any of said pieces of land have been by said judge of probate bid in for the State.

SEC. 97. If the judge of probate has bid off real property in the name of the State of Alabama, he shall make certificate of purchase to the State and deliver the said certificates to the collector, who shall on final settlement deliver the same to the auditor of the State. Said auditor shall cause the same to be entered in a book of record, kept for that purpose, indexed for convenient reference, but the State shall pay no costs of any tax sale, except the cost of advertising, nor shall lands bid in by the judge of probate in the name of the State be thereafter assessed until the same are redeemed; but real property purchased by the State shall be subject to the same rules of redemption as real property purchased by individuals.

Probate judge makes certificate of purchase.

Redemption.

SEC. 98. When real property offered for sale is in town or city lots, or designated by sections or parts of sections, such lots, sections or parts of sections must be offered separately.

When in lots, &c., must be offered separately.

SEC. 99. It shall be the duty of the auditor to transmit to the tax assessor of each county by the first day of August in each year a descriptive list of all the lands in the county reported to him as bid in for the State during said year, and not redeemed, and it shall be the duty of the assessor to assess the lands according to a fair valuation of all the lands in said list, and return the same to the auditor who shall thereupon add the assessment to the amount for which the land was sold. The assessor shall furnish to the judge of probate a copy of the lists and assessments returned to the auditor, and it shall be the duty of the judge of probate to enter the assessment of each tract or parcel of land on the record of sale thereof in his office.

Auditor furnishes assessor list of lands bid in for State.

SEC. 100. If any assessor, collector, probate judge, or

Officers charged with collection of taxes must not purchase real property.

presiding officer of any county board of revenue shall either directly or indirectly be concerned or interested in the purchase of any real property sold for the payment of taxes, he shall be liable to a penalty of not more than five hundred dollars to be recovered in an action in the circuit court brought on the relation of any tax payer of the county in the name of the State, one-half of the amount recovered to be paid to the relator; the judgment shall be against such assessor, collector, judge or presiding officer, as the case may be, and his bondsmen, and all such sales shall be void.

Tax collector furnishes purchaser with certificate.

SEC. 101. Immediately after the sale provided for in this act, the tax collector must make out and deliver to each purchaser of real property at such sale a certificate of purchase which shall contain a description of the real property and show that such real property was assessed by the assessor, to whom assessed, the date of assessment, for what year or years the taxes were due, the amount of taxes due thereon, distinguishing the amounts due the State, county and school board respectively, the fees and costs, that it was advertised and how long, that it was offered for sale, and at what time, who became the purchaser, and at what price.

Certificate assignable.

SEC. 102. The certificate of purchase is assignable by endorsement, and an assignment thereof vests in the assignee and his legal representatives all the right and title of the original purchaser.

If sale is invalid rights of the State vested in purchaser.

SEC. 103. Whenever land is hereafter sold for State or county taxes, and from any cause, such sale is invalid to pass the title to the purchaser, such sale shall operate to transfer to the purchaser the right of the State or county on the property for the payment of the taxes for which it was sold.

May recover from officer.

SEC. 104. Whenever lands are sold for taxes, which are not liable for the taxes for which such lands are sold, the purchaser at such sale may recover from the officer by whose fault or neglect the assessment or sale was made, and the sureties on the bond, the amount of the purchase-money, with the lawful interest thereon.

Purchaser may bring ejectment or unlawful detainer.

SEC. 105. The purchaser or person claiming under him, of lands sold for taxes, may sue in ejectment or bring an action of unlawful detainer, after the expiration of six months from the day of sale, to recover the possession thereof, and, if possession is recovered, shall hold

possession, but shall hold the possession subject to the right of the owner to redeem the same within two years next after the sale as provided by law.

SEC. 106. If in any suit by the purchaser, or any one claiming under him, against the owner to recover possession of lands hereafter sold for taxes, final judgment shall be rendered that the plaintiff is not entitled to recover possession of the land on the ground of any invalidity in such sale, except for the reason the taxes were not due, the court shall forthwith empanel a jury to ascertain the amount of taxes for which the land was liable at the time of the sale and for which it was sold, and such taxes thereon, if any, as may have been lawfully paid by the plaintiff subsequent to the sale with interest from time of the sale, or subsequent payment as the case may be, at the rate of twelve per cent. per annum, and the court shall thereupon render judgment against the defendant, and in favor of the plaintiff, for the amount thus ascertained and the cost of the suit, which judgment, shall constitute a lien on lands sued for, and may be enforced by execution as in other cases.

Defendant in certain cases to pay amount of taxes and interest.

SEC. 107. If in any suit by the owner of lands against a purchaser at a tax sale in possession, or any one claiming under such purchaser, final judgment is rendered that the plaintiff is entitled to recover possession because of any invalidity in the tax sale, except for the reason that the taxes were not due, the court shall forthwith empanel a jury to ascertain the amount of taxes for which the land was liable at the time of sale and for the payment of which it was sold, and also the amount of taxes, if any, lawfully paid by the purchaser, or those claiming under him, subsequently to the sale, with interest from the time of the sale or subsequent payment as the case may be, at the rate of twelve per centum per annum, and the court shall thereupon render judgment against the plaintiff and in favor of the defendant for the amount thus ascertained and the costs of the suit, which judgment shall constitute a lien on the land, and may be enforced as in other cases; and no writ of possession shall issue to put the plaintiff in possession of the land until said judgment is satisfied. But the plaintiff may at any time tender the amount due and no costs shall be adjudged against the plaintiff which may accrue after such tender and a refusal thereof; provided that in case of suit brought, such ten-

Plaintiff to pay taxes and interest; when.

der must be paid into court; and this provision shall apply to the last preceding section.

Form of complaint.

SEC. 108. In any suit to recover the possession of lands a statement in or appended to the declaration or complaint or appended to the plea of not guilty, that the plaintiff or defendant, as the case may be, claims or defends under a tax sale, stating the time of the sale, shall be sufficient pleading to authorize the court to institute inquiry and render judgment as provided in the two next preceding sections of this act, and such statement shall be equal to an averment of all the facts necessary to entitle the party to recover such judgment.

Judgment in favor of owner; when.

SEC. 109. If in any suit, by or against the owner to recover possession of the land sold for taxes, it is made to appear that such owner has made the payment or tender required by law for the redemption of said land, and the money tendered and not paid is brought into court for the opposite party, judgment shall be rendered in favor of such owner for such costs as accrued subsequent to such payment or tender.

Books, &c., prima facie evidence.

SEC. 110. The books and records belonging to the offices of the probate judge and tax collector, or copies thereof properly certified, shall be deemed *prima facie* evidence to prove the sale of any real property for taxes or the redemption thereof, except as otherwise herein provided.

When land is sold and taxes paid.

SEC. 111. If it shall be made to appear to the satisfaction of the probate judge that any tract or lot was sold which was not subject to taxation, or upon which the taxes had been paid previously to the sale, he shall not execute a deed therefor, but shall make entry opposite such tract or lot in the record of sales, that the same was erroneously sold, and such entry shall be *prima facie* evidence of the fact therein stated.

Suit within five years.

SEC. 112. No action for the recovery of real property sold for the non-payment of taxes shall lie, unless the same be brought within five years from the date when the purchaser may have been entitled to demand a deed therefor; except in cases where it is made to appear that the plaintiff or his grantor has listed and paid the taxes on the lands for which suit is brought for the year or years for the non-payment of which the tax sale was made; but where the owner of such real property sold as aforesaid, is, at the time of such sale, under age or in-

sane, two years after such disability is removed, shall be allowed such person, his heirs or legal representatives, to bring suit for the recovery thereof.

SEC. 113. Immediately after the expiration of the term of two years and six months from the date of the sale of any real property for taxes, the probate judge then in office shall make out a deed for each lot or parcel of real property sold to individuals and remaining unredeemed, and deliver the same to the purchaser upon the return of the certificate of purchase and the payment of one dollar for the deed; but any number of parcels of real property bought by one person may be included in one deed, as may be desired by the purchaser. Which deed shall convey to the said purchaser all the right, title and interest of the person or persons whose duty it was to pay the tax on said land, and shall not convey the right, title or interest of any reversioner or remainderman in said land. Deed after two years.

SEC. 114. The deed shall be signed by the probate judge, in his official capacity, and acknowledged by him before some officer authorized to take acknowledgments of deeds, and when substantially thus executed and recorded in the proper record of titles to real property, shall vest in the purchaser all right, title, interest and estate of the former owner, in and to the land conveyed, and also the right, title, interest and claim of the State and county thereto, and shall be *prima facie* evidence of the facts recited in the deed in all courts in this State, in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the land thereby conveyed. By whom signed.

SEC. 115. The attorney general must furnish the auditor with suitable forms of conveyances to purchasers of land at tax sale, and it shall be the duty of the auditor to cause to be printed and distributed among the several judges of probate a sufficient number of blank conveyances conforming to the forms prepared and furnished him by the attorney general, to be used by them in making the deeds required by law to be made by them to the purchasers of lands at tax sale; or their assignees. Attorney Gen'l furnishes forms of conveyance.

SEC. 116. Real estate sold for taxes may be redeemed at any time before the expiration of two years and six months from the date of its being bid in by the State, or of its being bid off by any purchaser, by the owner, his

Redemption;  
principal and  
interest.

agent, or representative, or by mortgagee, or by any person having any interest in the real estate so sold, including a joint tenant, tenant in common, judgment creditor and copartner; but such redemption shall not be of less than the whole tract, piece, parcel, or lot of land so sold. To obtain such redemption, the person entitled to and applying for such redemption, must deposit with the judge of probate of the county in which the land is situate, the amount of money for which the lands were sold, with interest thereon, at the rate of fifteen per centum per annum, all taxes which have been assessed upon said property since the day of sale, or if bid in for the State, such taxes as should have been assessed if the property had been in possession of any citizen, and interest thereon at the rate of eight per centum per annum, together with all the costs to officers which may have legally accrued (unless such taxes and costs, one or both, had been already paid by the applicant to redeem, which may be shown by receipt of tax collector), and one dollar to the judge of probate for his fee upon said application. If such redemption be made by any person having an interest less than the title to the whole piece, parcel, tract or lot sought to be redeemed, he shall have as against the other parties interested in the same, the same rights as he would have for any advance made by him for the common property. The real property of an infant or lunatic sold for taxes may be redeemed by such party as herein provided, within one year after the removal of his or her disability. The time within which the owner of land sold for taxes, and purchased by any person other than the State, may redeem said land, shall not commence to run until the purchaser or his agent makes personal demand for possession of the owner if known, or deposits in the United States mail a demand for possession, addressed to such owner at his usual place of residence, and when such demand is made by mailing the same, the purchaser or his agent, having knowledge of the facts, shall file a copy of the demand so mailed, together with an affidavit of the time of mailing the same, and the address of the person to whom it was mailed, in the office of the judge of probate of the county in which the lands are situate, within sixty days after mailing such notice.

Sec. 117. At any time before the expiration of two years and six months from the date of sale of lands for

taxes and not thereafter, the probate judge upon the application of any party to redeem any real property sold for taxes, being satisfied that such party has a right to redeem the same, upon the payment of the proper amount, must issue to such party a certificate of redemption, setting forth the facts of the sale substantially as contained in certificate of sale, the date of redemption, the amount paid, and by whom redeemed; and he must make the proper entries in the book of sales in his office, and immediately give notice of such redemption to the county treasurer. Such certificate of redemption must then be presented to the treasurer, who shall countersign the same, and no certificate of redemption shall be held as evidence of such redemption without such signature of the Treasurer. If the land or real estate so redeemed was bid in by the State at the tax sale, the person so redeeming shall present said certificate to the auditor of the State, and it shall be the duty of the auditor to give to the person who presents the same a certificate releasing all claims by the State acquired by the tax sale to the land described.

Probate judge gives certificate.

Sec. 118. Whenever any real estate bought at tax sale by individuals is redeemed it shall be the duty of the probate judge to deposit such redemption money in the county treasury; the deposit shall be kept separate and apart from the general funds of the county, and when the purchaser at the tax sale shall demand of the probate judge the amount of redemption money, he shall, upon the surrender of the certificate of purchase, give the purchaser an order on the treasurer for the same.

Probate judge to deposit redemption money in county treasury.

Sec. 119. On the first Monday in April and every three months thereafter, it shall be the duty of the several probate judges in this State to certify to the county treasurer, and to the auditor of the State, upon blanks to be furnished by the auditor, a full and correct statement of all real property bid in by the State, and redeemed, as herein provided, showing therein the amount of State, school and county taxes separately, and the amounts of penalty and the costs due each. At the same time it shall be the duty of the probate judge to pay to the treasurer of the State the proportion of such redemption money belonging to the State, and shall pay into the county treasury the proportion of such redemption money

Probate judge to send correct statement to auditor, &c.

belonging to the county, and to the school board the proportion thereof belonging to the school fund.

Probate judge  
to notify assess-  
sor and collec-  
tor.

SEC. 120. Upon the redemption, as provided in section 116 of this act, of any piece, parcel, tract or lot of land which may have been bid in for the State, it shall be the duty of the judge of probate within five days thereafter to notify the assessor and collector of taxes of his county, and shall, upon demand by said officers, pay to them the costs and fees to which they are respectively entitled upon the redemption of said land, and said assessor shall enter said land and the name of the purchaser thereof, on his list for assessment.

Non-liability of  
purchaser to  
owner for rent,  
&c.

SEC. 121. The purchaser of land at a tax sale under this act, or those claiming under such purchaser who may have lawfully obtained possession of the land so purchased, shall not be liable upon redemption thereof to account to the owner for any rent, issues or profits which such purchaser, or those claiming under him may derive from said land, but as to such rents, issues and profits shall be held and taken to be the rightful owner of said land; Provided, that if the person to whom such land was assessed for the taxes for which it was sold, was at the time of such sale a minor or person of unsound mind, and had no guardian, or his guardian was not notified, as herein required, of the proceeding in the Court of Probate for sale of said land, the said purchaser or party in possession of said land shall be liable, as in other actions, for recovery or possession of land.

Auditor keeps  
record of lands  
bid in by State.

SEC. 122. It shall be the duty of the auditor of the State to cause to be prepared a suitable book, in which shall be entered a description as accurate as can be obtained of all the lands which have been bid in for the State, with the amount of State and county taxes due thereon, and also the lowest market value of said pieces, parcels, tracts or lots of land respectively, and the date of sale at which said lands were bid in for the State. When two years and six months shall have elapsed from the day when said lands were bid in for the State, and the same have not been redeemed as provided in this act, then said lands shall stand subject to sale by the State; and the auditor of the State, with the approval of the governor, may make sale of such land at private sale to any purchaser who may pay to the treasurer of the State, in cash therefor, such sum of money as the said auditor

May be sold at  
private sale af-  
ter two years  
& six months.

and treasurer, with the approval of the governor, may from consultation with the tax collector and others from the localities where the lands lie, who are acquainted therewith, ascertain and determine to be the fair value of said lands; and thereupon, on the receipt of purchase money, said auditor in behalf of the State, shall execute a deed of said lands to the purchaser, and thereby convey, but without warrant or covenant of any kind on the part of the State, express or implied, to said purchaser, all right and title of the State to lands so sold, and thereafter such purchaser shall possess all the right and title of the State in and to said lands, and be taken, deemed and treated as the assignee of the State to all the taxes due upon said lands, and the penalties, and all the taxes that should, under this law, have been assessed upon said land, if it had been the property of a private citizen of the State, and such purchaser shall be clothed with all the rights and powers to acquire the possession, or, if acquired, to defend the same, as if such purchaser had been the purchaser of said lands at the sale of a tax collector, and had obtained a deed therefor, as authorized by this act. The auditor shall furnish the assessor with the numbers and description of said lands and the name of the purchaser thereof, and said assessor shall enter said land and the name of the purchaser upon his list for assessment; Provided, that as to minors and lunatics the privileges declared in section one hundred and sixteen of this act shall remain unimpaired.

SEC. 123. After the expiration of two years and six months from date of sale, and not before, the parties mentioned in section one hundred and sixteen of this act, shall be entitled to purchase from the State any lands bid in by the State in which said parties had any interest, by obtaining from the auditor of the State a statement of the amount due upon said lands, as provided by section one hundred and sixteen of this act, and paying the same to the treasurer of the State. On the delivery to the auditor of the receipt of the treasurer for such payment the auditor shall execute a deed of said lands to the purchaser as provided in section one hundred and twenty-two of this act, upon satisfactory proof being made that the purchaser has a right to purchase under this section.

Persons entitled to redeem; when.

SEC. 124. In all cases where, either by sale or redemption, the amount of taxes due upon any piece, parcel,

Sale or redemption.

Probate judge certifies to auditor am't due State & county respectively.

tract or lot of land has been, or shall be paid into the treasury of the State, it shall be the duty of the probate judge to ascertain and certify to the auditor the amount thereof which properly belongs to the county for county taxes, to any school board for school taxes, and to the officers for fees and costs, and thereupon the auditor shall draw his warrant upon the treasury for the aggregate of the amounts so ascertained respectively in favor of the judge of probate of the county wherein the land is situated and transmit the same to him. Said warrant shall specify the amounts so due to county school boards and officers, and it shall be the duty of said judge of probate, on collection of said warrant, to pay over to the county treasurer the amount therein stated to be due the county, to the treasurer or proper officer of the school board, the amount due to such school board and to the collector or other officers the amounts due to them.

Right of redemption forfeited; when.

SEC. 125. The right of redemption shall be forfeited to all property bid in by the State and not redeemed within two years and six months from the date of sale of such property for taxes, and thenceforth all right, title and interest of the person whose duty it was to pay such taxes, in and to such real property, shall be considered as transferred to and vested absolutely in the State of Alabama.

Audit'r to have general supervision.

SEC. 126. That the enforcement of the revenue laws of this State shall be under general supervision and direction of the auditor of the State, who shall, by general rules and, if need be, by specific instructions, direct the assessors and collectors of taxes in the discharge of their duties. In case of doubt, he shall, after taking the opinion of the attorney general, advise the assessors and collectors as to the construction to be placed upon the law, and their action in conformity with such instructions shall be a protection to them as between them and the State. He shall see that the returns, reports, payments and settlements required by law to be made by any and all officers charged with any duties under the revenue laws of this State are promptly made by such officers at the time or times they are required to be made, and in default of the performance of their duties in this respect, he shall promptly direct such prosecutions and legal proceedings as may be by law authorized or directed.

Attorney Gen'l as advisor.

SEC. 127. The auditor shall cause copies of this act, and the act prescribing the subjects and rate of taxation,

together with a copious index to both of them, to be printed in the form of a pamphlet, but with a leather or cloth cover, and after retaining the number of copies which may be necessary for the use of the officers of the State at the capital, shall furnish a copy thereof to each of the judges of the circuit and city courts, and the chancellors, and the judges of the supreme court, judges of probate and assessors and collectors, and to bar libraries, and shall cause the remainder to be sold at such price as will indemnify the State against loss from printing and publication of the same as herein required. The auditor shall, in every volume of session acts hereafter published, cause to be printed a copy of the revenue laws of the State as then existing.

Auditor to have print'd in pamphlet form copies of this act.

Sec. 128. It shall be the duty of the auditor to prepare and cause to be printed a blank form of assessment lists which, by this act, are required to be signed by the tax payers specifying therein the different species of property, with a description of each, and of the other subjects of taxation named in this act, and which, by law, are required to be returned to the assessor of taxes in the several counties by the tax payers therein. Upon this form, said auditor may cause to be placed an abstract of the duties of the tax payers in returning their lists of taxable property, and of their duties and liabilities as declared by law, and such instructions to the several tax assessors as will advise them of their duties of making assessment of property and subjects of taxation. Said auditor shall furnish to each assessor one or more of said forms so prepared, so that said assessor may cause to be printed, or otherwise prepared, as many copies thereof as may be needed in his county. The auditor shall also furnish to the judges of probate of the several counties blank forms, whereon are to be returned to the auditor, the abstract of the property, taxes and polls, as required by section fifty-one of this act.

Auditor to prepare blank forms and have same printed.

To whom furnished.

Sec. 129. It shall be the duty of the auditor to cause suit to be brought, in the name of the State, against any and all persons by law charged with the collection of State taxes, or with any duty in regard to the revenue of the State, and their sureties, for failure to perform the duties required of them by the revenue laws of this State. The auditor may, also, in such cases, as in his

Auditor must bring suit.

Certified copies  
from office of  
auditor or trea-  
surer admitted  
in evidence.

judgment, the interest of the State requires it, cause suit to be brought against defaulting tax payers for the amount of taxes claimed from them by the State; and, in cases where reasonable doubt may exist as to the construction or validity of the law under which taxes are claimed, the auditor may authorize an agreed statement of the facts of the case to be made, for the speedy adjudication of the matter in controversy. In all suits against tax assessors, tax collectors, judges of probate, or other officers charged with any duties under the revenue laws, for default in payment into the State treasury of moneys collected by them for the use of the State, or for failing to perform any duty required of them by the revenue laws of the State, or against their sureties, copies of any bonds, documents, records, books, papers, contracts, or returns, or of any official statement of account between them, or any of them, and the State, in the office of the auditor, or of the treasurer, certified by the hand of the auditor or treasurer respectively, in whose office such original may be, and verified by the great seal of the State, shall be admitted in evidence in favor of the State; and such copies shall, as evidence be received as of equal validity as the originals, unless, under oath, the defendant or defendants, shall deny that he or they made or executed the original of such copy so produced.

Auditor to pre-  
pare form of li-  
cense.

SEC. 130. It shall be the duty of the auditor, with the approval of the Governor, to prepare and have printed suitable forms of licenses which may be by law required to authorize the several kinds of business for which license is required to be carried on. He shall, as often as need be, furnish the judge of probate of the several counties in this State, a sufficient number of blank licenses to enable each judge of probate to issue the licenses which may be necessary in his county. He shall take from each judge of probate receipts for the licenses furnished to him, and shall require from each judge of probate quarterly returns of all licenses issued by him, for what business, and the amounts collected for such licenses, and from whom.

List of insol-  
vents furnished  
justices of the  
peace, &c.

SEC. 131. When the presiding officer of the court of county commissioners shall have caused to be prepared a separate list of insolvents in each beat of said county as directed in section thirty-nine of this act, it shall be his duty, if he be not the judge of probate, to deliver the

same within five days to the judge of probate of his county, and said judge of probate shall, within ten days thereafter, cause said beat lists respectively to be delivered to a justice of the peace or a notary public, having the powers of a justice of the peace, residing in the beat to which such lists appertain, and if in any beat there be no such notary or justice of the peace, then to some suitable person in that or in an adjoining beat, for collection, and take receipts therefor. And such officer or person to whom said list shall be delivered is empowered to collect the taxes specified therein, and is for that purpose clothed with all the powers of a tax collector, and shall be entitled to receive for his services twenty-five per cent. of the amount collected thereon by him, in addition to the collector's fee; and shall on oath make return to the judge of probate of what he may have done in the premises, on or before the twenty-fifth day of December next succeeding the receipt by him of said list, and pay to the judge of probate all the taxes by him collected thereon, less the commissions herein authorized, and the judge of probate shall pay over the amount so received by him to the State treasurer, to the county treasurer, and to the school board, in the proportion the taxes are due respectively to the State, and the county and school board bear to the amount of money so collected, after deducting fees, if any, due to the assessors and other officers; and the notaries public or justices of the peace to whom such lists were delivered for collection, with their sureties, shall be liable on their official bonds for every failure to pay over the money collected under this section, upon suit therefor in the name of the State, and this suit may be directed by the judge of probate of the county.

SEC. 132. The assessor and collector are authorized to purchase necessary books and stationery, and to contract for the necessary printing in their respective offices, with the approval of the court of county commissioners.

SEC. 133. Any tax assessor, collector or probate judge, failing to perform any of the duties required of him by any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars.

SEC. 134. Real and personal property shall be estimated at its value in money, according to the best judgment that the assessor can form upon information, in-

Authority vested in same.

Distribution.

Authority to purchase necessary books, &c.

Non-performance of duty; penalty.

Real and personal property assessed at its true value.

specation, or otherwise, taking into consideration, if realty, its location, whether in town, city or country, and whether it is vacant and lying idle, or is occupied and is in use, and if occupied and in use, then the rent derived therefrom, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals or quarries, or coal beds, and the amount and character of improvements; and the value of the mineral and the timber interests, where they have become separate and distinct by reason of a sale thereof, to parties not owning a title in the lands themselves, shall be separately assessed.

Responsibility of agents.

SEC. 135. In all cases, when by the laws of this State, taxes are levied on the gross or net receipts of any person, company, corporation or association doing business in this State by an agent, such agent shall be personally responsible for the amount of tax or taxes imposed by law on such receipts, and the tax collector may proceed to collect the same by garnishments, or the seizure and sale of the personal property of such agent, as if said tax or taxes were assessed against such agent individually.

Preferred claim of unpaid taxes in case of insolvency or assignment.

SEC. 136. In all cases where a tax payer becomes insolvent or makes a general assignment of his property for the payment of his debts, or the estate of a decedent is, or becomes insolvent, and the taxes assessed against such person or party, or against any part of his estate, are in whole or in part unpaid, the amount so unpaid shall be a preferred claim, and shall be paid by the assignee or personal representative of such party, out of the money first received by said assignee or personal representative, before any other debt or claim is paid.

Lien vested.

And it is hereby enacted that from and after the first day of January in each year, the State shall be and is hereby invested with a lien upon each and every parcel of property, both real and personal, for the payment of the taxes which may be assessed against the owner during that year for the revenue of the State; and the county shall have a like lien for the payment of the taxes, against such property which may be assessed thereon during that year for the use of the county.

Auditor is authorized to correct errors.

SEC. 137. Whenever the auditor finds that he has failed to give any tax collector of this State credit for commissions to which he is entitled, he is hereby authorized to correct said error in his settlement with such collector. If the account of such collector has been closed,

and said commissions have been paid into the State treasury, then the auditor shall draw his warrant on the State treasurer for the said amount of such commissions.

SEC. 138. Whenever the sheriff, coroner, or other officer, shall sell any property under execution, decree or other process from any court, it shall be his duty to ascertain what taxes are due upon such property, or from the party owning the same, and upon a sale thereof, to pay the taxes found to be due to the tax collector of his county out of the first money received by him from such sale.

Duty of officer's when selling property.

SEC. 139. Any of the officers herein named, who fail to comply with the provisions of this act shall be guilty of a misdemeanor, and shall, on conviction, be fined not less than one hundred nor more than five hundred dollars.

Penalty of officer's failure of duty.

SEC. 140. For each conviction of a violation of the revenue laws, not otherwise provided for, a fine of twenty dollars shall be imposed.

Violation of revenue law; penalty.

SEC. 141. All suits brought on behalf of the State, against officers or other persons and their sureties, for the recovery of money collected by them for the State, shall stand for trial at the term to which suits are brought, if twenty days' notice has been given to the defendant before the day of trial. Upon verdict in such case being rendered for the State, a judgment must be rendered for the amount so found, with a penalty of twenty per cent. upon the amount of such verdict.

Suits for trial stand; when.

Judgment rendered.

SEC. 142. In all cases of claims by the State, for the recovery of money, whether from defaulting collectors, judges of probate, or other officers, or from tax payers, or persons, companies, corporations or associations, other than in cases when the debtor denies the claim on the ground of over valuation of the property assessed for taxation, it shall be competent for the governor, auditor and attorney-general, sitting as a board for that purpose, to compromise and settle the same, with such debtor for such amount, and on such ground and principle as may be consistent with justice and equity of the case and with sound policy. In cases where such settlement and compromise may be made, the auditor shall make proper entry thereof in the books of his office, and shall give to the treasurer a certificate of the settlement and compromise to be filed in his office, and properly entered in the books of his office.

Governor, auditor and att'y gen'l to form board of compromise.

Repeal of con-  
flicting laws.

Assessm'ts, &c.  
now made not  
affected.

SEC. 143. That all laws and parts of laws that are in conflict with the provisions of this act, and all laws and parts of laws which provide for, govern or regulate the subjects and matters herein by this act provided for, governed or regulated, be and the same are hereby repealed; Provided, however, that all special and local laws, which exist in relation to any county or counties in this State, prescribing or regulating the powers and duties of officers in such counties, on the subject of revenue, shall not be affected by any provision in this act; and provided further, that the laws in existence at the date of the passage of this act, for the assessment and collection of taxes in this State, for State and county purposes, shall remain in full force as to the assessment and collection of taxes, now assessed or levied under the provisions of said acts; and provided further, this act shall not impair or operate upon any special law, declaring rates of taxation, resting on any contract with the State; and provided further, that nothing in this act shall be construed to affect the term of office of tax assessors and collectors now in office; Provided further, that nothing in this act shall be construed to change the commissions of any assessor or collector, during his present term of office.

Approved February 17, 1885.

No. 3.]

AN ACT

[H. B. 977.

To amend subdivision sixteen of section fourteen of an act entitled an act to levy taxes for the use of the State and the counties thereof, approved December 12th, 1884.

Amendment.  
State & county  
levy; theatres.

*Be it enacted by the General Assembly of Alabama,* That subdivision sixteen of section fourteen of an act entitled an act to levy taxes for the use of this State and the counties thereof, approved December 12th, 1884, be and the same is hereby amended so as to read as follows:

Theatre license  
in towns or ci-  
ties of more  
than 8,000 in-  
habitants.

Section 16. For theatres in towns or cities containing more than eight thousand inhabitants, one hundred dollars, but the requirement of the license of one hundred dollars shall not extend to open air or summer theatres (such as at Mobile on the bay shore and known as Fras-

cati), but the license of such open air or summer theatres shall be twenty-five dollars; in towns or cities containing less than eight thousand and more than two thousand, fifty dollars, and in towns and cities containing less than two thousand inhabitants, twenty-five dollars, but the owners or managers of theatres holding such license must issue tickets of admission to all persons whom they admit to their exhibitions, and must thereon assign a particular seat to each such visitor, in such part of the theatre as the convenience of the owner or manager may require, but this license shall extend only to dramatic and operatic exhibitions. If any doubt arise as to the character of an entertainment proposed to be exhibited in any theatre the judge of probate of the county in which the theatre is situated shall determine whether or not it is covered by the theatrical license; and for public halls let for hire, twenty-five dollars.

Less than eight  
but more than  
two thousand.

Judge of probate to decide.

Approved February 17, 1885.

No. 4.]

AN ACT

[H. B. 996.

To amend subdivision 4 of section 14 of an act, to levy taxes for the use of the State, and the counties thereof; approved December 12th, 1884.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That subdivision 4 of section 14 of an act, to levy taxes for the use of the State, and counties thereof approved December 12, 1884, be amended so as to read as follows: 4. For wholesale dealers in spirituous, vinous or malt liquors, in any place of less than one thousand inhabitants, fifty dollars; in any place of over one thousand and under three thousand inhabitants seventy-five dollars; in any place of over three thousand inhabitants, one hundred and fifty dollars, but wholesale dealers living outside following described boundaries in the city of Mobile, to-wit: Right bank of Mobile river on the east, Church street on the south, Joachim street on the west, State street on the north including those settled on the north side of State street, and on the west side of Joachim street, and on the south side of Church street, shall be charged a State license of fifty dollars. Any person deal-

Amendment.  
State & county  
levy.  
Liquor.

In places of  
less than 1,000  
inhabitants.

Outside of Mo-  
bile.

Wholesale and  
retail.

ing in said articles, who shall sell, barter, or exchange or in any way dispose of, or permit to be taken spirituous, vinous or malt liquors in any quantity less than one quart, or who shall permit the same to be drunk, by the glass or single drink, in or about his place of business, shall be deemed a retail dealer, and any dealer so disposing of spirituous, vinous or malt liquors, only in the quantity of one quart or more, shall be deemed a wholesale dealer, but any person having taken out a license as a retail dealer, is authorized to sell at wholesale without additional license.

Approved February 17, 1885.

No. 5.]

AN ACT

[S. 24.

To require circuit solicitors to prosecute cases removed from the State courts to the courts of the United States, and to provide for their compensation.

Duty of State  
solicitor to pro-  
secute in U. S.  
Court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever a defendant indicted or prosecuted in any of the courts of this State, for any offense against the laws of the State procures the removal of such case to one of the courts of the United States held in this State, it shall be the duty of the solicitor of the judicial circuit in which such United States court is held to appear for the State in such United States court, and to prosecute such case or to move that the same be remanded to the State court, as may be proper in the particular case.

May appoint  
another attor-  
ney.

SEC. 2. *Be it further enacted*, That when it is impracticable by reason of other official duties for the solicitor to appear in said United States court, he shall have authority to designate some attorney at law, to appear for him for the purposes of this act.

Fees same as  
in other courts.

SEC. 3. *Be it further enacted*, That if the case so removed be remanded to the State court, on the motion of the solicitor or his deputy, he shall be allowed for making said motion to remand, the same fees now allowed by law upon the conviction of a defendant in the State court for the same offense; and if the case is tried in the United States court, and the defendant is convicted in such court,

the solicitor shall be allowed the same fees now allowed by law upon conviction in such cases in the State courts, to be taxed and collected as solicitor's fees in criminal cases in the State courts.

Approved, November 26, 1884.

No. 6.]

AN ACT

[S. 61.]

To re-vest title to property on payment of a debt secured by mortgage.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the payment of a debt, secured by mortgage on either real or personal property, shall have the effect to divest the title out of the mortgagee, or his assigns, and re-vest the same in the mortgagor, or his assigns, whether such payment is made before or after the maturity of the debt, and whether said mortgage is made, or paid, before or after the passage of this act.

Payment of mortgage debt re-vests title.

SEC. 2. *Be it further enacted,* That, if the mortgagor is dead, such payment shall re-vest title to personal property in the personal representative, and the title to realty in the heirs, devisees, or legatees, of the mortgagor.

In case of death,

Approved November 28, 1884.

No. 7.]

AN ACT

[H. B. 39.]

To repeal sections 518, 519, 520, and 521, of the Code of Alabama, and to provide for the return into the State treasury of the revenue stamps which have been sold or furnished to officers or other persons, and have not been used.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections 518, 519, 520, and 521, of the code of Alabama be and they are hereby repealed.

Repealing clause.

SEC. 2. *Be it further enacted,* That any person who has purchased and paid for any of the revenue stamps, as provided in said sections, and has them on hand not used and cancelled, may, within one year from the passage of

Unus'd stamps returned to auditor.

this act, deliver such stamps to the auditor, who shall give to such person an order or warrant on the State treasurer for the amount which was paid into the treasury for said stamps, and the treasurer shall pay such warrants.

SEC. 3. *Be it further enacted*, That probate judges who have received from the treasurer any such stamps without payment therefor, shall settle with the auditor, and account for them, and may deliver to the auditor such as have not been used instead of their amount in money.

Approved December 3, 1884.

No. 8.]

AN ACT

[H. B. 9.

To suppress and prevent the introduction and sale of obscene literature and obscene papers in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who shall bring, or cause to be brought, into this State for sale, or shall sell or offer to sell, or shall receive subscription for, any indecent pictorial newspaper tending to debauch the morals, or any indecent or obscene book or paper, or shall advertise any of said articles for sale, or shall print any of said articles with the intent to sell in this State, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars nor more than one thousand dollars.

Suppressing  
sale of obscene  
literature.

Approved December 3rd, 1884.

No. 9.]

AN ACT

[H. B. 45.

To amend section 2292 (1928) of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2292 (1928) of the Code of Alabama be amended so as to read as follows :

§ 2292 (1928). *Widow may dissent from the will and claim her dower, and her portion as in case of intestacy.* The widow may in all cases dissent from the will of her

deceased husband, and in place of the provision made for her by such will, take her dower in the lands, and of the personal estate, such portion as she would have been entitled to in case of intestacy. And in case the widow is insane, or under the age of twenty-one years, or shall die, her dissent from the will of her husband may be declared for her by the Probate Court, upon a petition filed by her guardian, or next friend, or administrator, as the case may be, alleging that it would be to the interest of the widow that said will should be dissented from; and upon the filing of said petition, the judge of probate shall appoint a day not more than twenty days from the filing thereof, to hear and determine said petition. He shall also appoint a proper person to act as guardian *ad litem* for said widow, and the testimony, upon interrogatories, of at least two disinterested witnesses shall be taken showing that it would be to the interest of said widow to dissent from said will.

Widow's right to dissent from deceased husband's will and opt'n of claiming dower interest.

In case of insanity, guardian to be appointed.

Approved December 3rd, 1884.

No. 10.]

AN ACT

[H. B. 51.]

To regulate the time of taking up the civil and criminal trial dockets in the Circuit Court of Monroe county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That after the passage of this act the civil docket in the Circuit Court of Monroe county shall be taken up on Monday of the first week of said court and all appeals in civil cases shall be set for trial on said docket on Wednesday of the first week of said court.

Monroe county circuit court civil docket.

SEC. 2. *Be it further enacted*, That the criminal docket of said Circuit Court shall be taken up on Thursday of the first week of said Circuit Court.

Criminal docket.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act, as to the said county of Monroe, be and the same are hereby repealed.

Former laws repealed.

Approved December 3rd, 1884.

No. 11.]

AN ACT

[H. B. 50.]

To amend section 2472 (2128) of the Code of Alabama.

Power vested  
in prob. judge  
to correct er-  
rors in sale of  
lands.

*Be it enacted by the General Assembly of Alabama,* That section 2472 of the Code be and the same is hereby amended so as to read as follows: § 2472 (2128). Where sales of land of a decedent, by order of the Probate Court, are made *bona fide*, and possession accompanies such sale and a mistake has been made in describing such land by its numbers or boundaries, the judge of probate must, on the application of the purchaser, or any person holding under him, summon the representative of such decedent, or if there be none, then a special administrator of the estate of such decedent, to be appointed by the probate judge for such proceeding, to appear on a day appointed and show cause why he should not make title to such land by its correct description, and he must, upon the establishment of the facts, order a title to be made by such representative, or such special administrator.

Approved December 3d, 1884.

No. 12.]

AN ACT

[S. 102.]

To refund certain moneys paid for license to the State and counties.

Refundment of  
amount over-  
paid on license

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all cases where a person or firm took out a license from the State and county for any purpose, business or occupation under the provisions of the Revenue law sought to be enacted by the last Legislature of Alabama which was not required by the law now in force, or paid therefor an amount in excess of the amount required by the law now in force, the amount so paid for license for a business or occupation for which no license is required by the law now in force, and the excess paid for license above the amount now required by law on such business or occupation, shall be refunded to such person or firm, his administrator or assign.

SEC. 2. *Be it further enacted,* That on the applica-

tion of such person or firm, his administrator or assign, for relief under this act, the judge of probate for the county in which said license was taken out shall proceed to ascertain the amount due such applicant under the provisions of the preceding section, and shall grant such certificates as will enable the State auditor and the Court of County Commissioners to draw his warrant or their order, respectively, and such warrant or order shall be paid out of any moneys in the State treasury or county treasury not otherwise appropriated.

Probate judge  
to grant certificate  
correcting  
overcharge.

Approved December 6th, 1884.

No. 13.]

AN ACT

[H. B. 278.

To make appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State, for interest on the public debt, and for public schools.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the following sums of money, or so much of each sum, as may be necessary, be, and they are hereby, appropriated for the purposes hereinafter specified, to be paid out of any moneys in the treasury not otherwise appropriated, for the fiscal years ending respectively on the 30th of September, eighteen hundred and eighty-five, and on the thirtieth day of September, eighteen hundred and eighty-six, to-wit:

Appropriation  
for fiscal years  
ending Sep. 30,  
1885, and Sep.  
30, 1886.

1. For compensation of the Governor, three thousand dollars for each year; in all six thousand dollars. Salaries.
2. For compensation of the Secretary of State, eighteen hundred dollars for each year; in all three thousand six hundred dollars.
3. For compensation of the State Auditor, eighteen hundred dollars for each year; in all three thousand six hundred dollars.
4. For compensation of the State Treasurer, twenty-one hundred dollars for each year; in all four thousand two hundred dollars.
5. For compensation of the Attorney General, fifteen hundred dollars for each year; in all three thousand dollars.

Salaries of  
clerks.

6. For compensation of the Superintendent of Education, twenty-two hundred and fifty dollars for each year; in all forty-five hundred dollars.

7. For compensation of the Governor's Private Secretary, fifteen hundred dollars for each year; in all three thousand dollars.

8. For compensation of the Governor's Recording Secretary, one hundred and twenty-five dollars per month while in actual service, one thousand dollars for each year; in all two thousand dollars.

9. For compensation of one clerk in the office of the Secretary of State, fifteen hundred dollars for each year; in all three thousand dollars.

10. For compensation of one clerk in the office of the State Auditor, fifteen hundred dollars for each year; in all three thousand dollars.

11. For compensation of one clerk in the office of the State Treasurer, fifteen hundred dollars for each year; in all three thousand dollars.

12. For compensation of one clerk in the office of the Superintendent of Education, fifteen hundred dollars for each year; in all three thousand dollars.

13. For compensation of temporary clerks in the executive offices, five thousand dollars for each year; in all ten thousand dollars.

14. For compensation of Messenger in the executive offices, three hundred dollars for each year; in all six hundred dollars.

Servants.

15. For compensation of two servants in the executive offices, six hundred dollars for each year; in all twelve hundred dollars.

16. For compensation of the Keeper of Capitol, one hundred and fifty dollars for each year; in all three hundred dollars.

Watchmen.

17. For compensation of two watchmen in the Capitol, eighteen hundred dollars for each year; in all thirty-six hundred dollars.

Judges, chan-  
cellors, librari-  
an, &c.

18. For compensation of the Chief Justice and two Associate Justices of the Supreme Court, ten thousand eight hundred dollars for each year; in all twenty-one thousand six hundred dollars.

19. For compensation of the Marshal of the Supreme Court and Librarian, fifteen hundred dollars for each year; in all three thousand dollars.

20. For compensation of the Assistant Librarian, three hundred dollars for each year; in all six hundred dollars.

21. For compensation of the Reporter of the Supreme Court decisions, nine hundred dollars for each volume reported and published.

22. For compensation of the Secretary of the Chief Justice, fifteen hundred dollars for each year; in all three thousand dollars.

23. For compensation of one servant for the Supreme Court, three hundred dollars for each year; in all six hundred dollars.

24. For compensation of eight Circuit Court Judges, twenty-two hundred and fifty dollars for each judge for each year, eighteen thousand dollars for each year; in all thirty-six thousand dollars.

25. For compensation of three Chancellors, twenty-two hundred and fifty dollars for each Chancellor for each year, sixty-seven hundred and fifty dollars for each year; in all thirteen thousand five hundred dollars.

26. For fuel, lights, and water in the Capitol, for the year ending September thirtieth, eighteen hundred and eighty-five, twenty-one hundred dollars, and for the year ending September thirtieth, eighteen hundred and eighty-six, eighteen hundred dollars; in all thirty-nine hundred dollars. Fuel & lights.

27. For stationery and postage for the executive offices for the year ending September thirtieth, eighteen hundred and eighty-five, twenty-five hundred dollars, and for the year ending September thirtieth, eighteen hundred and eighty-six, fifteen hundred dollars; in all four thousand dollars. Stationery, &c.

28. For insurance on the Capitol building, the furniture therein, and the library, eight hundred dollars for each year; in all sixteen hundred dollars. Insurance on capitol.

29. For public printing and binding, including the reports of heads of department, reports of State institutions, Supreme Court decisions, geological surveys, acts and journals of the General Assembly, and all other printing and binding done in pursuance of law, for the year ending September thirtieth, eighteen hundred and eighty-five, fifteen thousand dollars, and for the year ending September thirtieth, eighteen hundred and eighty-six, seven thousand five hundred dollars; in all twenty-two thousand five hundred dollars. Public printing

30. For arrest of absconding felons, twenty-five hundred dollars for each year; in all five thousand dollars.
- Removal and feeding prisoners. 31. For removal of prisoners, three thousand dollars for each year; in all six thousand dollars.
32. For feeding prisoners in the county jails fifty-five thousand dollars for each year; in all one hundred and ten thousand dollars.
- Pay of warden, inspectors, &c. 33. For compensation of the Warden, Inspectors and other officers of the Penitentiary, and for the travelling expenses of the Inspectors ——— thousand dollars for each year; in all, ——— thousand dollars.
- Incidentals. 34. For incidental and contingent expenses to be disbursed upon the order of the Governor for purposes for which no appropriation is otherwise made, five thousand dollars for each year; in all, ten thousand dollars.
- Repairs on capitol. 35. For repairs on the Capitol building, furniture in the public offices therein, and work on the public grounds, one thousand dollars for each year; in all, two thousand dollars.
- Per diem and mileage of general assembly. 36. For per diem and mileage of Senators and Representatives in the General Assembly, compensation of officers and employees of the Senate and the House of Representatives, and incidental expenses of the session of eighteen hundred and eighty-four-five for the year ending September thirtieth, eighteen hundred and eighty-five, fifty thousand dollars.
- Distribution of Acts. 37. For distributing the acts and the journals of the session of the General Assembly of eighteen hundred and eighty-four-five, codes, and other public documents, for the year ending September thirtieth, eighteen hundred and eighty-five, six hundred dollars, and for the year ending September thirtieth, eighteen hundred and eighty-six, three hundred dollars; in all, nine hundred dollars.
- Public schools. 38. For support of the public schools, one hundred and thirty thousand dollars for each year, in all, two hundred and sixty thousand dollars. And there is further appropriated the sum of one hundred thousand dollars to the public schools of this State to be paid out of any moneys in the treasury not otherwise appropriated for each year, for the fiscal years ending the 30th day of September, 1886, and the 30th day of September, 1887, respectively.
39. For interest on the University fund, twenty-four

thousand dollars for each year; in all, forty-eight thousand dollars. University fund.

40. For interest on the Agricultural and Mechanical College bonds, twenty thousand two hundred and eighty dollars for each year; in all, forty thousand five hundred and sixty dollars. A. & M. college

41. For interest on the sixteenth section fund, valueless sixteenth section fund, and the surplus revenue fund, for the public schools, one hundred and forty-five thousand dollars for each year; in all, two hundred and ninety thousand dollars. Int'rest on 16th section fund.

42. For interest on the bonded debt of the State, embracing Class A bonds of 1876, Class B bonds of 1876, and Class C bonds of 1876, and the six per centum bonds of 1880, three hundred and thirty thousand dollars for the fiscal year ending 30th September, 1885, and three hundred and sixty thousand dollars for the fiscal year ending 30th September, 1886. Interest on the public debt.

43. For compensation of the Secretary of the Senate and the Clerk of the House of Representatives for filing and arranging the papers of the respective houses in the Secretary of State's office, and for copying and indexing the journals of the respective houses, four hundred dollars each; in all eight hundred dollars. Compensation of secretary of senate & clerk of house.

AND WHEREAS, the General Assembly will not again be in regular session until after the close of the fiscal year ending September thirtieth, eighteen hundred and eighty-six; therefore,

SEC. 2. *Be it further enacted*, That the appropriations hereinbefore made in this act for the year ending September thirtieth, eighteen hundred and eighty-six, be and the same are hereby renewed and continued in force until the first day of January, eighteen hundred and eighty-seven; *provided*, that not more than one-fourth of the several sums appropriated hereinbefore for the year ending September thirtieth, eighteen hundred and eighty-six, shall be expended in the period for which they are thus renewed and extended, except that for interest on the public debt, embracing therein interest on the University funds, on the Agricultural and Mechanical College bonds, and on the school fund, one-half of the amount hereinbefore appropriated for these purposes in the year ending September thirtieth, eighteen hundred and eighty-six, may be expended.

Compensation  
of general as-  
sembly, 1886.

SEC. 3. *Be it further enacted*, That for the per diem and mileage of Senators and Representatives, for the pay of officers and employees of the Senate and the House of Representatives, and for incidental expenses of the session of the General Assembly beginning on Tuesday after the second Monday in November, eighteen hundred and eighty-six, fifty thousand dollars is hereby appropriated; *provided*, that nothing herein contained shall be deemed an amendment or repeal of any law now in force, nor shall any appropriation herein made be construed to be in addition to appropriation for the same purpose, or purposes, made by separate acts heretofore passed, or that may be hereafter passed, at this session; *and provided further*, that the appropriations for the same purposes, or any of them, in sections two and three of the general appropriation act approved December 12th, eighteen hundred and eighty-two, shall be construed to be embraced in the appropriations hereinbefore made in section one of this act, and shall not be deemed to be in addition thereto.

Approved December 6th, 1884.

No. 14]

AN ACT

[H. B. 283.

To appropriate the sum of three thousand dollars to cover the deficiency in the appropriation for contingent expenses incurred during the fiscal year, ending September 30th, A. D. 1884. .

Appropriation  
to cover defi-  
ciency in con-  
tingent expen-  
ses, 1884.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of three thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated to pay the contingent expenses incurred by the Governor of this State during the fiscal year ending September 30th, 1884, and for the payment of which the regular appropriation heretofore made was insufficient.

SEC. 2. *Be it further enacted*, That all sums paid out under this act, shall be paid on the certificate and order of the Governor, and all accounts before being audited

Paid on order  
from governor.

shall have attached the affidavit of the person interested as to its correctness.

Approved December 9, 1884.

No. 15.]

AN ACT

[H. B. 47.

To appropriate four hundred and fifty dollars, or so much thereof as may be necessary to cover deficiency in appropriations for clerks in the executive offices of the State for the fiscal year ending September 30th, 1884.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of four hundred and fifty dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated, to pay for necessary clerical services rendered in the executive offices of the State, during the fiscal year ending September 30, 1884, and for the payment of which no provision of law has been made. Appropriation to cover deficiency in clerical force 1884.

SEC. 2. *Be it further enacted,* That the auditor be, and he is hereby authorized and directed, to examine all accounts now on file in his office, for clerical services rendered during the fiscal year ending September 30, 1884, and to draw his warrant upon the treasury for the amount which may be due for such clerical services as have been rendered, and for which payment has not been made. Auditor to examine & draw warrant.

Approved December 12, 1884.

No. 16.]

AN ACT

[S. 32.

To provide for the recording of contracts for the conditional sale or lease of railroad equipment and rolling stock.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all contracts for the conditional sale of railroad equipment or rolling stock by the terms of which the vendor retains the title to the property so sold, until payment in full is made therefor, although possession Record vendor's contract.

thereof shall have been given to the vendee, may be admitted to record in all respects like conveyances of real property.

Rentals rece'd  
as purchase-  
money.

SEC. 2. *Be it further enacted*, That all contracts for the leasing or renting of railroad equipments, or rolling stock, by which it is stipulated, that the rentals received therefor may be applied as purchase-money, but that the vendor shall retain the title to such property until the purchase-money thereof shall have been paid in full, notwithstanding delivery to and possession by the vendee, may in like manner be admitted to record, in all respects, like conveyances of real property.

Privilege of ev-  
idence and no-  
tice.

SEC. 3. *Be it further enacted*, That the contracts mentioned in the first two sections of this act, shall have all the privileges and properties both for purposes of evidence and notice, as conveyances of real property, which have been attested and proven, or acknowledged, and filed and recorded in like manner.

Title.

SEC. 4. *Be it further enacted*, That when any of the contracts mentioned in the first two sections of this act shall have been filed and recorded in the office of the probate judge of the county in which, at the time of the execution thereof was situated and kept the principal office in this State, of the vendee or lessee, or in the office of the Secretary of State, shall operate as notice to all persons of the contents thereof, and of the title to said railroad equipment and rolling stock; *provided*, that each locomotive, engine, or car, so sold or leased shall have the name of the vendor or lessor, plainly and permanently marked thereon, so as to readily and clearly indicate the ownership thereof.

Name of ven-  
dor or lessor.

To take effect.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage, and that all laws and parts of laws in conflict with the same are hereby repealed.

Approved December 12, 1884.

No. 17.]

AN ACT

[S. 70.]

To regulate the time of holding the Circuit Courts in the 7th Judicial Circuit of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Circuit Courts in the several counties <sup>Seventh judicial circuit,</sup> composing the Seventh Judicial Circuit of the State of Alabama shall, after the passage of this act, be held at the following times, to-wit:

In the county of Talladega on the third Mondays in <sup>Talladega.</sup> June, and the fourth Mondays in November of each year, and continue four weeks at each term.

In the county of Clay on the fourth Monday after the <sup>Clay.</sup> third Monday in June and continue two weeks, and on the first Monday in January and continue one week.

In the county of Cleburne on the sixth Monday after <sup>Cleburne.</sup> the third Monday in June and continue one week, and on the second Monday in January and continue two weeks.

In the county of Calhoun on the seventh Monday <sup>Calhoun.</sup> after the third Monday in June and continue two weeks, and on the fourth Monday in January, and continue three weeks.

In the county of Cherokee on the ninth Monday after <sup>Cherokee.</sup> the third Monday in June, and on third Monday after the fourth Monday in January of each year and continue two weeks at each term.

In the county of Etowah on the eleventh Monday <sup>Etowah.</sup> after the third Monday in June, and on the fifth Monday after the fourth Monday in January of each year and continue three weeks at each term.

In the county of St. Clair on the fourteenth Monday <sup>St. Clair.</sup> after the third Monday in June, and on the eighth Monday after the fourth Monday in January of each year and continue two weeks at each term.

In the county of DeKalb on the sixteenth Monday <sup>DeKalb.</sup> after the third Monday in June, and on the tenth Monday after the fourth Monday in January of each year and continue two weeks at each term.

In the county of Marshall on the eighteenth Monday <sup>Marshall.</sup> after the third Monday in June, and on the twelfth Monday after the fourth Monday in January of each year and may continue two weeks at each term.

Blount.

In the county of Blount on the twentieth Monday after the third Monday in June, and on the fourteenth Monday after the fourth Monday in January of each year and may continue two weeks at each term.

Cullman.

In the county of Cullman on the twenty-second Monday after the third Monday in June, and on the eighteenth Monday after the fourth Monday in January and continue one week at each term.

Repeal of former laws.

SEC. 2. *Be it further enacted*, That all laws, general or special, contravening any of the provisions of this act, are hereby repealed.

Approved December 12, 1884.

No. 18.]

AN ACT

[S. 160.]

To amend section five (5) of an act entitled An Act to prevent the issue of false receipts, and to punish the fraudulent transfer of property by warehousemen, wharfingers and others, approved 28th February, 1881.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section five (5) of an act entitled An Act to prevent the issue of false receipts, and to punish the fraudulent transfer of property by warehousemen and wharfingers and others, approved 28th February, 1881, be amended so as to read as follows:

Amended act; penalty for issuing false receipts.

SEC. 5. *Be it further enacted*, That no master, owner, or agent of any vessel or boat of any description, or officer or agent of any railroad company, shall sign or give any bill of lading, receipt or other voucher or document for any merchandise, cotton, or property, by which it shall appear that such merchandise, cotton, or property has been shipped on board any vessel, boat, or delivered at any railroad warehouse, unless the same shall have been actually delivered to such vessel, boat, or warehouse, to be carried and conveyed as expressed in such bill of lading, receipt or other voucher or document; *Provided*, however, that at all stations of any railroad company in this State, at which there is a railroad warehouse, or a compress for the compressing of cotton for shipment, or railroad cars which compress company or its owner or agent is the agent of the railroad company for the ship-

ment of cotton over said road, and the cotton for which a bill of lading is demanded shall have been compressed, if the shipper shall in fact place the cotton, merchandise or property at the warehouse, or shall place the cotton with the compress company to be compressed and shipped on any particular railroad in this State, it shall be the duty of said railroad company forthwith to deliver to the shipper a bill of lading therefor upon the delivery of the cotton, merchandise or property; *Provided*, That in case cotton is delivered as provided in this act, to any such compress, that such bill of lading must only be given on the presentation of the compress receipt and shipping instructions.

Bill of lading.  
Issued on compress receipts.

Approved December 12, 1884.

No. 19.]

AN ACT

[S. 74.

To amend sections 88, 89; 90 and 91 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 88, 89, 90 and 91 of the Code, be amended so as to read as follows:

§ 88. He may employ two clerks in his office, and remove them at his pleasure, at a yearly salary for each clerk, of one thousand five hundred dollars, payable in monthly installments, on the last day of each month, on their sworn accounts, and the certificate of the auditor of their correctness, and the warrant of the auditor on the treasurer.

§ 89. The said clerks must, before entering upon their duties comply with such requisitions as the auditor may prescribe for his own security, and take an oath, faithfully to discharge all such duties in the auditor's office and connected with it, as are, or may be confided to them and also the others required of public officers.

§ 90. The official acts of one of these clerks to be signed as chief clerk by the auditor, shall be presumed to be by authority of, and shall be taken as done by the auditor, who shall be responsible for the same.

§ 91. The appointments of such clerks shall not be for a longer time than two years, and shall not continue

longer than the incumbent, making the appointments, remains in office.

Approved December 12, 1884.

No. 20.]

AN ACT

[H. B. 106.

To amend sections 657 and 757 of the Code of Alabama, and to define the jurisdiction of the Circuit Court and justices of the peace.

Amendment. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That paragraph 1 of section 657 of the Code of Alabama be amended so as to read as follows:

Jurisdiction of circuit court. 1. To exercise original jurisdiction of all felonies and misdemeanors, and of all actions and suits at law when the matter or sum in controversy exceeds fifty dollars, and in cases of libel, slander, assault and battery, and ejectment, without regard to the value of the matter sued for.

SEC. 2. *Be it further enacted*, That paragraph 2 of section 757 of the Code of Alabama be amended so as to read as follows:

Sum in excess of \$50. Exceptions. 2. Of all actions founded on any wrong or injury when the damages claimed do not exceed fifty dollars, except in cases of libel, slander, assault and battery, and ejectment, they have no jurisdiction.

SEC. 3. *Be it further enacted*, That paragraph 4 of section 757 of the Code of Alabama be amended so as to read as follows:

Not in excess of \$100. 4. Of all actions brought to recover specific property, where the value does not exceed one hundred dollars.

Approved December 12, 1884.

No. 21.]

AN ACT

[H. B. 119.]

To repeal an act approved February 21st, 1883, entitled an act to amend an act entitled an act to amend an act entitled an act to amend section 5042 of the Code, approved February 13th, 1879, approved December 8th, 1880.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act approved February 21st, 1883, Repeal of act as to fees arising from fines against defaulting witnesses. entitled an act to amend an act entitled an act to amend an act entitled an act to amend section 5042 of the Code approved February 13th, 1879, approved December 8th, 1880, be, and the same is hereby repealed.

Approved December 12th, 1884.

No. 22.]

AN ACT

[H. B. 328.]

To appropriate money for the benefit of sheriffs in certain cases.

*Be it enacted by the General Assembly of Alabama,* That the sum of three thousand dollars (\$3,000.00) or so Appropriation to pay claims of sheriffs. much thereof as may be necessary to pay claims of sheriffs for removing prisoners for the fiscal year ending thirtieth day September, 1883, as the appropriation for said purpose was exhausted.

Approved December 12, 1884.

No. 23.]

AN ACT

[S. B. 119.]

To provide for the payment of the interest on the State debt payable outside of the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That for the purpose of paying the interest Interest on the bonded debt of State. on the bonded indebtedness of the State, which is payable in the city of New York, the treasurer of the State, with the written approval of the governor, is authorized and required to designate, from time to time, as he may

see fit, some well known, responsible, solvent bank, or banking house, in said city, at which said interest will be paid.

When due and how paid. SEC. 2. *Be it further enacted*, That not less than one, nor more than two months, before the first days of January and July of each year, it shall be the duty of the treasurer to certify to the governor the amount of money which will be probably needed to pay the installment of such interest next falling due, and which will be payable in said city of New York and at the treasury, and it shall then be the duty of the governor to direct the auditor in writing to draw his warrant in favor of such treasurer upon the treasury for such amount, or so much thereof, as the treasurer may deem necessary, to be paid out of any fund appropriated for the payment of the interest on the indebtedness of the State. That upon the reception of the auditor's warrant the amount thereof shall be entered by the treasurer to the credit of "Interest account," on his books, and thereafter debited with such payments of coupons and checks, made from time to time at the treasury and at the fiscal agency in New York, including such necessary expenses incurred as may be incident to and required for meeting the State's liabilities, observing the system of keeping this account as introduced and used by the present treasurer, so that the disbursement of this fund distinctly appear.

Insurance on remittances by express. SEC. 3. *Be it further enacted*, That no money shall be drawn out of the treasury to pay interest prior to ten days before such interest falls due, and then such money shall be remitted by express to the fiscal agency selected, as provided in section one, without taking out special insurance, except in cases where the governor in writing directs such insurance.

Cancellation of coupons and checks. SEC. 4. *Be it further enacted*, That it shall be the duty of such fiscal agent to pay the interest on the bonded indebtedness of the State upon presentation of the proper coupons and checks, to cancel such coupons and checks immediately upon their payment, and to remit the same to the treasurer as he may direct, by express, or otherwise.

Culpability on account of loss or damage. SEC. 5. *Be it further enacted*, That the treasurer shall not be liable for loss or damage sustained by the State in carrying out the provisions of this act, when the same

does not result from any fault or negligence on his part.

Approved January 22, 1885.

No. 24.]

AN ACT

[S. B. 29.

To amend section 3801 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3801 of the Code of Alabama be so amended as to read :

§ 3801. Any defendant may obtain relief against the complainants; or any complainant, or against any co-defendant, for any cause connected with, or growing out of the subject-matter of the bill, by alleging in his answer and as a part thereof the facts upon which such relief is prayed, and require such complainant, or defendant, to answer the same, as in original bills.

SEC. 2. *Be it further enacted*, That said section 3801 as it stood before the passage of this act, be and the same is hereby repealed.

Approved January 22, 1885.

No. 25.]

AN ACT

[S. 34.

To refund certain moneys paid for license to the State and counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases where a person or firm took out a license for the period of one year, from the State and county, as required by the revenue laws of this State, and by an act of the last General Assembly of this State, the sale of liquors was prohibited in said county, where said license was granted, before the expiration of the license, the money paid for the license shall be refunded to such person or firm, his executors, administrators or assigns, after deducting from the amount so paid, a sum proportionate to the time such license was in force and effect in said year.

SEC. 2. *Be it further enacted*, That on the applica-

Prob'te judge's certificate of assigns, to the judge of probate for the county in which amount to be said license was taken out, the judge of probate shall refunded. grant to the applicant such a certificate as will enable the State auditor and the court of county commissioners to draw his warrant, or their order respectively, and such warrant or order shall be paid out of any moneys in the State treasury or county treasury not otherwise appropriated.

Approved January 22, 1885.

No. 26.]

AN ACT

[S. 69.

To amend an act to amend sections 3462 and 3464 of the code, approved December 2, 1880.

Amended. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections 3462 and 3464 of the code as amended by an act to amend sections 3462 and 3464 of the code, approved December 2, 1880, be amended so as to read as follows:

Mechanic's lien. § 3462. Blacksmiths, wood-workmen, and all other mechanics who contribute their labor and material, or labor or material only, to the production or repairs of any vehicle, implement, machine, or article of any kind, shall have a lien thereon in the hands of the party for whom such vehicle, implement, machine, or article was made, sold or repaired and in the hands of a purchaser with notice of such lien, for the value of the labor and material, or the labor or material contributed to the production, manufacture, or repair of the same.

Attachment to enforce. § 3464. Parties shall be entitled to process of attachment to enforce their rights, to be issued by the same officers and under the same conditions, as required by law in other cases of attachments; and the affidavit shall set forth all the facts necessary to the creation of such lien, under section 3462, and in addition thereto, one or the other of the following causes: 1st. That the party for whom such article was made, sold or repaired, is the owner thereof, and that the price of the article, or for the repair thereof, or some part of either is due and unpaid. 2d. That the party for whom such article was made,

sold or repaired, has transferred the article to a purchaser with notice of such lien, and that the price of the article, or for the repair thereof, or some part of either is due and unpaid. Such lien shall be enforced only within six months from the time when the account or claim becomes due. Facts set forth.

Approved January 22, 1885.

No. 27.]

AN ACT

[S. 73.]

To create Escambia county into the seventeenth chancery district of the southern chancery division.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county of Escambia is hereby made a separate chancery district, and that it be known as district number seventeen, of the southern division. Escambia co. a separate chancery district.

SEC. 2. *Be it further enacted,* That the courts of said district shall be held at Brewton, the county seat of said county, twice a year at the following times: On Tuesday after the third Mondays in February and August, and may continue two days at each term. Place and time of hold'g same.

SEC. 3. *Be it further enacted,* That all laws in conflict with this act, be and the same are hereby repealed. Repeal of conflicting laws.

Approved January 22, 1885.

No. 28.]

AN ACT

[S. B. 84.]

To require all mortgages to be in writing.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, all mortgages on personal property hereafter taken shall be invalid, unless in writing and subscribed by the mortgagor. Mortgages invalid unless in writing.

Approved January 22, 1885.

No. 29.]

AN ACT

[S. B. 115.]

To provide for the payment of sheriffs' fees in certain cases.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama.* That from and after the passage of this act, the sheriffs of this State shall be paid two dollars per day for attendance upon the Chancery Courts in their respective counties.

**SEC. 2.** *Be it further enacted,* That after the adjournment of said courts, the registers of said counties shall certify to the court of county commissioners the number of days said sheriffs attended on the Chancery Courts in their respective counties, and the amount of compensation due to such sheriffs and upon such certificates the aforesaid commissioners' court shall issue their warrant on the county treasurers of said counties for the amount so certified as due, and the county treasurer shall pay the same out of any money in the treasury not otherwise expended.

Approved January 22, 1885.

No. 30.]

AN ACT

[S. B. 124.]

To authorize the Alabama State Bar Association to institute and prosecute proceedings to disbar practicing attorneys.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama.* That the Alabama State Bar Association shall have power, and is authorized in its name, to institute and prosecute in any court having jurisdiction, proceedings for disbarring any practicing attorney in this State, in the county of his residence, against whom complaint may be made to any member or officer of said association, of having been guilty of malpractice, or of any act or omission for which attorneys may by law be disbarred.

Approved January 22, 1885.

No. 31.]

AN ACT

[S. 173.]

To amend section 3279 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3279 of the Code of Alabama, be amended, so as to read :

“Where process of an attachment is issued by a justice of the peace, if the amount of the debt does not exceed the amount of the constable's bond, such justice may have such process executed by the constable of the beat in which the process issued, and the return of service may be made to the court in which the writ is returnable by such justice or constable, who shall be subject to all the liabilities provided by law, for failing to discharge any duty in relation to such service or return.”

Approved January 22, 1885.

No. 32.]

AN ACT

[S. 37.]

To amend an act entitled an act to amend section 2468 of the Code, approved March 1, 1881.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act to amend section 2468 of the Code, approved March 1st, 1881, be and the same is hereby amended so as to read as follows :

§ 2468 (2096). *Conveyance, where, by whom, and to whom, made.*—After such confirmation and when the whole of the purchase money has been paid by the purchaser, or he being dead, his heirs or any other person holding under him, or the heirs of such deceased purchaser, on the application of such purchaser, or his said heirs or such other person holding under him, or the heirs of such deceased purchaser, or that of the executor or administrator, the court must order a conveyance to be made to such purchaser, or to his said heirs, or to such person holding under him, or to the heirs of such person holding under him, as the case may be, by the executor or administrator, or such other person as the court may appoint, conveying all right, title and interest which the decedent had at the time of his death, in such lands, and

Conveyance;  
when, by whom  
and to whom  
made.

such order shall operate to vest the title of the decedent, in such purchaser, or his heirs, or such person holding under him, or the heirs of such person holding under him, as the case may be.

Approved January 23. 1885.

No. 33.]

AN ACT

[S. 40.

To amend an act entitled an act to fix the times of holding the Circuit Courts of the Eighth Judicial Circuit of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Circuit Courts of the Eighth Judicial Circuit of Alabama shall be held in each year as follows:

Madison co. In the county of Madison, on the second Monday in January and twelfth Monday after the fourth Monday in March, and may continue four weeks, the criminal docket to be taken up the third week.

Lauderdale. In the county of Lauderdale on the first Mondays in March and September and may continue two weeks.

Colbert. In the county of Colbert on the third Mondays in March and September and may continue two weeks.

Franklin. In the county of Franklin on the first Mondays after the fourth Mondays in March and September and may continue one week.

Marion. In the county of Marion on the second Mondays after the fourth Mondays in March and September, and may continue one week.

Winston. In the county of Winston on the third Mondays after the fourth Mondays in March and September, and continue one week.

Lawrence. In the county of Lawrence on the fourth Mondays after the fourth Mondays in March and September, and may continue two weeks.

Morgan. In the county of Morgan on the sixth Mondays after the fourth Mondays in March and September, and may continue one week.

Limestone. In the county of Limestone on the seventh Mondays after the fourth Mondays of March and September, and may continue two weeks.

In the county of Jackson on the ninth Mondays after the fourth Mondays of March and September, and may continue three weeks, the criminal docket to be taken up the third Monday of the court. Jackson.

SEC. 2. *Be it further enacted*, That all laws so far as they conflict with this act, be, and the same are hereby repealed. Repeal of conflicting laws.

Approved January 23, 1885.

No. 34.]

AN ACT

[S. 76.

To amend section 2836 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2836 of the Code be amended so as to read as follows: When such contest is made as provided in sections 2830 or 2834, it shall be the duty of the officer making the levy, within three days thereafter, to notify the defendant of the same, who may within five days after such notice, execute bond, according to the last clause of section 2942 (2593) of the Code of Alabama (1876). Failing to execute such bond within the five days, the plaintiff, his agent or attorney may, within the next five days, execute bond as provided in section 2943 (2594) of the Code of Alabama (1876). In either event the personal property to be delivered to the party making the bond, and, on the termination of the suit, the same proceedings shall be had as provided for in chapter 4, title 1, part 3 of the Code. If the plaintiff, his agent or attorney fail to give bond within the five days provided in this section, the personal property shall be delivered to the defendant without bond, and the officer making the levy within five days after the execution of such bond or within five days after surrendering the property to the defendant, as provided in this section, shall return all the papers to the court from which the process issued, with a statement of the facts properly endorsed thereon. Section as amended.

SEC. 2. *Be it further enacted*, That in all cases in which contests of claims of exemption under section 2834 of the Code of Alabama (1876) are now pending in the Claim of exemption.

Bond.

courts of this State, and the property levied on remains in the hands of the officer or court, the defendant shall have five days from and after the passage of this act to give bond as provided in the first section of this act. If the defendant fail to give said bond within said five days, then the plaintiff shall have five days to give bond as provided in the first section of this act. In either event the personal property to be delivered to the party making bond, and on the termination of the suit the same proceedings shall be had as provided for in chapter 4, title 1, part 3 of the Code (1876). If the plaintiff fail to give the bond within the five days provided in this section, the personal property shall be given to the defendant without bond.

Take effect.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved January 23, 1885.

No. 35.]

AN ACT

[S. 78.

To provide for the substitution of lost or destroyed indictments.

Record of in-  
dictments by  
grand juries.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever a grand jury have found an indictment and returned the same into court, it shall be the duty of the clerk of the court within twenty days after the indictment is filed in court, and without allowing it to be taken out of his custody and control, to record the indictment, with all the endorsements thereon, in a well bound book, properly indexed; said record not to be subject to inspection, but to be kept secret as indictments are now required by law to be kept secret before the arrest of the defendant, provided the judge may on motion of defendant require a production of said record in open court upon the trial of a defendant, for comparison of the certified copy of the original indictment, under which such defendant is being tried, with said record.

Certified copy  
in case of loss

SEC. 2. *Be it further enacted*, When it is shown to the court that an original indictment so recorded has been lost, destroyed or so mutilated as to be illegible, the court

shall direct the clerk to make and certify a copy thereof from the record, upon which the defendant may be arraigned and tried as upon the original indictment.

SEC. 3. *Be it further enacted*, When the court house of the county in which the clerk has his office is furnished with a fire proof vault or safe, it shall be the duty of the clerk to keep the book in which the indictments are recorded in such vault or safe.

SEC. 4. *Be it further enacted*, It shall be a misdemeanor for the clerk to wilfully or negligently fail or refuse to comply with any of the duties imposed on him by this act. Penalty of cl'k of court.

SEC. 5. *Be it further enacted*, That for the recording of indictments and certified copies thereof, under this act, Fees. the clerk shall be entitled to receive as compensation the same fees as now provided by law for final records, to be taxed as a part of the costs in the case.

Approved January 23, 1885.

No. 36.]

AN ACT

[S. 92.

Allowing parents or personal representative of a minor child to sue a person or corporation for a wrongful act or omission causing any personal injury to, or death of, such minor.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That when any personal injury or the death of any minor child is caused by the wrongful act, or omission of any person, or any officer, or agent of an incorporated company, or private association of persons, the father, or in case of his death, or desertion of his family, the mother, or in case of their death the legal representative of such minor may maintain an action against such person, corporation, or private association of persons, for such wrongful act or omission, and may recover such damages as the jury may assess; *Provided*, that but one suit shall be maintained for the said injuries or death. Suit in case of injury to a minor.

Approved January 23, 1885.

To amend an act approved February 23d, 1883, to amend an act to amend section 1817 of the code, approved February 11th, 1881.

Section as  
amended.

Corporations  
organized, em-  
powered to  
construct rail-  
ways, canals,  
&c., and pur-  
chase right of  
way, &c.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act approved February 23d, 1883, entitled an act to amend an act to amend section 1817 of the code, approved February 11th, 1881, be amended to read as follows: Corporations organized under the provisions of this article for mining, manufacturing, coking, smelting, or any other industrial pursuit, or for the purpose of transporting minerals or mineral ores, timber, lumber, manufactured goods, or any other thing, are hereby authorized and empowered to locate, construct, own and operate, one or more railways, tramways, or canals from their places of business, their manufactories, furnaces, mills, mines, or works, to their mines, ore beds, coking or cooling grounds, timber-lands or from their places of business, manufactories, furnaces, mills, mines, works, ore beds, coking or cooling grounds, or timber-lands to some running railroad, or navigable stream in this State, and to transport persons and property, minerals and produce upon said railways, tramways, or canals by the power of steam, or any other motive power which they may apply. They may also purchase or construct for the use of any unfinished railroad connecting in whole or in part any of their said property with any depot they may establish as herein authorized, and may also purchase, construct, charter or hire tugs, barges, steamboats and other water transportation, and may use them in transporting persons or products of their mines and manufactories, and all other personal property on any of the navigable waters of this State or elsewhere. They may also construct one or more canals as such slack water navigation as may be deemed necessary, useful or convenient in carrying out the purposes of said corporation; and the said corporation so formed are hereby authorized to lay out their said railways, tramways or canals, not exceeding one hundred feet in width through the whole length, to purchase the right of way, and if the owner or owners of the land which may be required for the use and purposes mentioned in this section can not agree with said corporation

on the value or the damages, or in case such owners are infant, non-resident, or *non compos mentis*, such value or damages shall be ascertained and assessed in the manner directed by the laws of this State in such cases made and provided, and subject to said general laws. Said companies are authorized to erect and establish all such fixtures, buildings, structures, machinery, water craft, depots, and wharves as may be needed, convenient or useful, in carrying on their business; *provided*, that before any such railway or tramway, or canal shall have the right to cross any street within any corporated city, town or village, they shall first have the consent of the proper municipal authorities; *provided*, no railway, tramway or canal must be opened through any person's yard, garden, orchard, stable lot, gin-house or curtilage without his consent; *provided*, that the owner of any land which may be taken for a canal, railway or tramway, under the provisions of this article, shall have the right to have all of his property of like kind with that transported by the owners of said canal, railway or tramway, carried by the owner of said canal, railway or tramway, over or upon said canal, railway or tramway, upon the payment of a just and reasonable compensation for such carriage.

Assessment of damages.

Before crossing street must get consent of city, town, &c.

Must not pass through yard without consent of owner.

Approved January 23, 1885.

No. 38.]

AN ACT

[S. B. 3.

To regulate the times and places of holding the Chancery Courts in the Western Chancery Division of Alabama, composed of the counties of Marengo, Sumter, Greene, Pickens, Fayette, Lamar, Marion, Franklin, Colbert, Landerdale, Limestone, Lawrence, Winston, Walker, Tuscaloosa, Hale, Perry, Bibb, Shelby, Jefferson, Blount, Cullman and Morgan.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Courts of Chancery in the Western Chancery Division shall be held at the times and places as follows;

Western chancery division; time of holding courts.

In the eighteenth district, composed of the county of Franklin, at the court house of said county, on the third

- Franklin. Monday in February and August, and may continue three days.
- Colbert. In the nineteenth district, composed of the county of Colbert, at Tuscumbia, on Thursday after the third Monday in February and August, and may continue three days.
- Lauderdale. In the twentieth district, composed of the county of Lauderdale, on the fourth Monday in February and August, at the court house at Florence, and may continue three days.
- Lawrence. In the seventeenth district, composed of the county of Lawrence, at the court house at Moulton, on Thursday after the fourth Monday in February and August, and may continue three days.
- Limestone. In the sixteenth district, composed of the county of Limestone, at the court house at Athens, on the first Monday after the fourth Monday in February and August, and may continue three days.
- Morgan. In the fifteenth district, composed of the county of Morgan, at the court house at Summerville, on the first Thursday after the first Monday after the fourth Monday in February and August and may continue three days.
- Blount and Cullman. In the fourteenth district, composed of the counties of Blount and Cullman, at the court house at Blountsville, on the second Monday after the fourth Monday in February and August, and may continue three days.
- Shelby. In the seventh district, composed of the county of Shelby, at the court house in Columbiana, on the third Monday after the fourth Monday in February and August, and may continue three days.
- Tuscaloosa. In the ninth district, composed of the county of Tuscaloosa, at the court house at Tuscaloosa, on the fourth Monday after the fourth Monday in February and August, and may continue three days.
- Pickens. In the tenth district, composed of the county of Pickens, at the court house at Carrollton, on the first Friday after the fourth Monday after the fourth Monday in February and August, and may continue three days.
- Fayette. In the twelfth district, composed of the county of Fayette, at the court house at Fayetteville, on the sixth Monday after the fourth Monday in February and August, and may continue three days.
- Walker and Winston. In the thirteenth district, composed of the counties of Walker and Winston, at the court house at Jasper, on

Thursday after the fifth Monday after the fourth Monday in February and August, and may continue three days.

In the eleventh district, composed of the counties of Lamar and Marion, at the court house at Vernon, on the first Thursday after the sixth Monday after the fourth Monday in February and August, and may continue three days. Lamar and Marion.

In the first district, composed of the county of Marengo, at the court house at Linden, on the eighth Monday after the fourth Monday in February and August, and may continue one week. Marengo.

In the second district, composed of the county of Sumter, at the court house at Livingston, on the seventh Monday after the fourth Monday in February and August, and may continue three days. Sumter.

In the third district, composed of the county of Greene, at the court house at Eutaw, on the eleventh Monday after the fourth Monday in February and August, and may continue one week. Greene

In the fourth district, composed of the county of Hale, at the court house at Greensboro, on the twelfth Monday after the fourth Monday in February and August, and may continue one week. Hale.

In the fifth district, composed of the county of Perry, at the court house at Marion, on the tenth Monday after the fourth Monday in February and August, and may continue one week. Perry.

In the sixth district, composed of the county of Bibb, at the court house at Centreville, on the ninth Monday after the fourth Monday in February and August, and may continue four days. Bibb.

In the eighth district, composed of the county of Jefferson, at the court house at Birmingham, on the thirteenth Monday after the fourth Monday in February and August, and may continue until the business is disposed of. Jefferson.

SEC. 2. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act, be and the same are hereby repealed. Repeal of existing laws.

SEC. 3. *Be it further enacted*, That this act shall take effect from and after its passage. Takes effect.

Approved January 27, 1885.

No. 39.]

AN ACT

[S. 60.]

To regulate suits by mortgagees or assigns for the recovery of real estate.

Suit by mortgagees to recover real estate.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all suits for the recovery of real estate in the courts of this State when the title of the plaintiff is a mortgage, it shall be lawful for the defendant to plead payment, and if it shall appear that the mortgage debt has been paid, judgment shall be rendered for the defendant.

Amount due mortgagee assessed, & payment with cost.

SEC. 2. *Be it further enacted,* If it shall appear that the title relied on is a mortgage then the jury shall be required, in rendering judgment, to assess the amount of the debt due on such mortgage, and the judgment entry shall provide, that if the defendant pays said amount and costs of court to the clerk of the court, in thirty days, then no writ of possession shall issue on said judgment against said defendant for the recovery of said land.

Approved January 30, 1885.

No. 40.]

AN ACT

[S. 71.]

To amend section 3627 of the Code.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 3627 of the Code of 1876, be so amended as to read as follows:

After lapse of four days issue writ of fieri facias.

§ 3627 (3230). If no appeal, execution issues returnable not less than twenty nor more than sixty days from date of issuance. After the lapse of five days, if an appeal is not taken, the justice must, unless otherwise directed issue a writ of *feri facias* for the satisfaction of the judgment, which must be signed by him, be dated on the day it was issued, and be returnable to him, not less than twenty, nor more than sixty days from the date of its issuance, and *alias fieri facias* shall be returnable in like manner.

Approved January 30, 1885.

No. 41.]

AN ACT

[S. 111.]

To amend sections 4346 (3697) and 4347 (3698) of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections 4346 (3697) and 4347 (3698) of Amendment. the Code of Alabama be, and the same are hereby amended so as to read as follows :

§ 4346 (3697). *Arson in first degree.*—Any person who wilfully sets fire to or burns any steamboat, or vessel in which there is at the time, any human being, or any prison or other building which is occupied by a person lodged therein, who wilfully sets fire to or burns any inhabited dwelling-house, or any house adjoining such dwelling-house, whether there is at the time in such dwelling-house, any human being or not, is guilty of arson in the first degree, and must, on conviction, be punished at the discretion of the jury, by death, or by imprisonment in the penitentiary or hard labor for the county, for not less than ten years. Arson in first degree.

§ 4347 (3698). *Arson in the second degree.*—Any person who wilfully sets fire to, or burns any church, meeting house, court house, town house, college, academy, jail or other building erected for public use, any banking house, ware house, cotton house, gin house, store, manufactory, or mill, which with the property therein contained is of the value of five hundred dollars or more, or any car, train of cars, car shed, cotton house, or cotton pen, containing cotton, or corn pen containing corn, or barn, stable, shop or office of another person, within the curtilage of any dwelling-house, or other building by the burning whereof any building hereinbefore specified in this section is burned, or who wilfully set fire to or burns any steamboat or vessel in which there is at the time no human being, is guilty of arson in the second degree, and must, on conviction be punished by imprisonment in the penitentiary or hard labor for the county, for not less than two nor more than ten years. Penalty.

Approved, January 30, 1885.

No. 42.]

AN ACT

[H. B. 702.]

To amend an act entitled an act to appropriate money for the benefit of sheriffs in certain cases, approved December 12, 1884.

**Amendment.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to appropriate money for the benefit of sheriffs in certain cases be and the same is hereby amended so as to read as follows:

**Appropriation to sheriffs for removal of prisoners, &c.** § 1. That the sum of three thousand dollars, or so much thereof as may be necessary, be and hereby is appropriated to pay accounts of sheriffs for the removal of prisoners, which accrued during the fiscal years ending September 30, 1883, and September 30, 1884, and which are now unpaid, in consequence of a deficiency in the amounts appropriated for those years, in the general appropriation bill.

**Examination of accounts.** SEC. 2. *Be it further enacted,* That the accounts hereinbefore referred to, when presented for payment, shall be examined in all respects according to the law then in force, and if found to be correct, due and unpaid, shall be passed upon and allowed by the auditor, out of the appropriation aforesaid, as other accounts are passed upon and allowed.

**Repeal of former act.** SEC. 3. *Be it further enacted,* That said act to appropriate money for the benefit of sheriffs in certain cases, approved December 12, 1884, as it now stands, be and the same is hereby repealed.

Approved February 4, 1885.

No. 43.]

AN ACT

[S. 105.]

To fix and regulate the times and places of holding the courts in the third judicial circuit of this State.

**Third judicial circuit.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the courts of the third judicial circuit of this State shall be held at the courthouses of the several counties thereof, beginning on the day and for the time hereinafter named:

**Bullock.** Bullock county: On the first Mondays in February and

second Mondays in August, and continue three weeks.

Henry county: On the third Mondays after the first Henry. Mondays in February, and the third Mondays after the second Mondays in August, and continue two weeks.

Dale county: On the fifth Mondays after the first Dale. Mondays in February, and the fifth Mondays after the second Monday in August, and continue one week.

Geneva county: On the sixth Mondays after the Geneva. first Mondays in February, and the sixth Mondays after the second Mondays in August, and continue one week.

Coffee county: On the seventh Mondays after the Coffee. first Mondays in February, and the seventh Mondays after the second Mondays in August, and continue one week.

Lee county: On the ninth Mondays after the first Lee. Mondays in February, and the ninth Mondays after the second Mondays in August, and continue three weeks.

Russell county: On the twelfth Mondays after the Russell. first Mondays in February, and the twelfth Mondays after the second Mondays in August, and continue three weeks.

Barbour county, at Clayton: On the fifteenth Mon- Barbour. days after the first Mondays in February, and the fifteenth Mondays after the second Mondays in August, and continue two weeks.

Barbour county, at Eufaula: On the seventeenth Mondays after the first Mondays in February, and the seventeenth Mondays after the second Mondays in August, and continue three weeks.

SEC. 2. *Be it further enacted*, That this act shall go into effect on the first day of July, 1885. Goes into effect.

SEC. 3. *Be it further enacted*, That all laws in conflict with this act be and the same are hereby repealed. Repeal of conflicting laws.

Approved February 5th, 1885.

No. 44.]

AN ACT

[S. B. 113.]

To create the Ninth Judicial Circuit of Alabama, composed of the counties of Etowah, Marshall, DeKalb, Cherokee, Blount and Cullman, and to fix the time of holding courts therein.

Ninth judicial circuit.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby created the Ninth Judicial Circuit of Alabama, composed of the counties of Etowah, Marshall, DeKalb, Cherokee, Blount and Cullman.

SEC. 2. *Be it further enacted*, That the courts shall be held in the several counties of said circuit at the court house in such counties, as follows :

Etowah.

In the county of Etowah, on the third Monday in January and continue four weeks, and on the third Monday in July and continue five weeks.

Marshall.

In the county of Marshall, on the fifth Monday after the third Monday in January and July, and continue two weeks.

DeKalb.

In the county of DeKalb, on the seventh Monday after the third Monday in January and July, and continue two weeks.

Cherokee.

In the county of Cherokee, on the ninth Monday after the third Monday in January and July, and may continue three weeks.

Blount.

In the county of Blount, on the twelfth Monday after the third Monday in January and July, and may continue two weeks.

Cullman.

In the county of Cullman, on the fourteenth Monday after the third Monday in January and July, and may continue one week in the spring and two weeks in the fall.

Time.

SEC. 3. *Be it further enacted*, That the courts in said counties shall not convene until two o'clock in the afternoon of the Mondays above fixed for the opening thereof.

Takes effect.

SEC. 4. *Be it further enacted*, That this act shall take effect from and after the appointment and qualification of a judge and a solicitor for said circuit; *Provided*, that the Spring Term, 1885, of the Circuit Court for the county of Cherokee shall be held by the Judge of the Seventh Judicial Circuit at the time now fixed by law.

Approved February 5th, 1885.

No. 45.]

AN ACT

[H. B. 506.]

To provide for the sale of such lands as have been or may be selected under and by virtue of an act of Congress entitled "an act to increase the endowment of the University of Alabama from the public lands in said State," approved April 23, 1884; and for the application of all moneys arising from such sales.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the title to all the lands which have been or may be selected or received under the act of Congress aforesaid, shall be vested in the "Board of Trustees of the University of Alabama," who shall dispose of said lands only for the purposes mentioned in said act of Congress and in the manner hereinafter directed; *Provided, however,* that the minimum price on said lands shall not be less than four dollars per acre; *and provided further,* that at least one-half of the purchase money shall be paid in cash at the time of sale, and the remainder divided into equal installments, in case any parcel of land is not sold entirely for cash; *Provided further,* that the said trustees shall have power to lay off town lots at any place they shall deem expedient, and to dispose of them for the purposes and in the manner prescribed for the sale of other lands under this act.

SEC. 2. *Be it further enacted,* That the said trustees shall have the power to appoint one or more persons not of their own body, one or all of whom may make sale as the trustees may direct, whose duty it shall be to attend to the examination and sales of all the said lands and to receive the moneys arising therefrom and deposit the same in the treasury of the State as the trustees may order and direct; *Provided,* the said persons so appointed shall give bond and good security, to be approved of by said trustees, for the faithful performance of his or their duties, and that they shall receive such compensation as may be allowed by the said trustees; *Provided further,* it shall be the duty of the treasurer of the State to keep all of said moneys so deposited separate and distinct from all other funds in the treasury; *and provided further,* the good faith of the State is hereby pledged for the preservation of said moneys so deposited as aforesaid.

SEC. 3. *Be it further enacted,* That should any per-

Endowment to  
University of  
Alabama.

Title to lands  
vested in board  
of trustees, &c.

Appointments  
by trustees to  
make sales.

Treasurer cus-  
todian of the  
money.

Time sales; shall fail to make punctual payment of the amount of failure to make payment, for- any one of the installments which may become due on payment, for- said purchase, the lands shall be absolutely forfeited to said trustees with the money paid thereon; and the said trustees may, and they are hereby authorized, after the expiration of thirty days from the time of such forfeiture to dispossess any person or persons who may be in possession of such tract of land by the writ of unlawful detainer, giving notice and proceeding as required by the Code of Alabama in cases of unlawful detainer; *Provided*, in no case shall the trustees make title to any purchaser under this act until all the purchase money shall be fully paid; *and provided further*, that all deeds to purchasers shall be executed in the manner provided by said trustees, with the seal of the University thereto attached; and the trustees are empowered to make all other needful regulations and rules not in conflict with this act, or the said act of Congress, for effecting such sales as are herein provided for; and they are hereby empowered to protect all of said lands from trespass or other unlawful depredations or injuries so long as the title thereto remains in them.

Titles.

Trespass.

SEC. 4. *Be it further enacted*, That all moneys arising from the sale of lands aforesaid, shall be applied by said trustees, as far as may be necessary, to the erection of suitable additional buildings for said University, and to furnishing the same, and to the restoration of the library and scientific apparatus heretofore destroyed by fire, and it shall be deemed as a substantial compliance with the spirit of the said act of Congress if said trustees shall provide an annual library fund to be expended in the purchase of books, maps, charts, &c., instead of purchasing all of said books at one time; and after said purposes are accomplished then the remainder of said moneys shall be added to the permanent endowment of said University; and the same shall be invested by the trustees without delay in such national or State securities as the said trustees may think most profitable or beneficial; *Provided*, preference be given to the bonds of Alabama, if the same can be procured on satisfactory terms; and the interest or proceeds derived from said securities shall be faithfully applied by the trustees to the uses and current expenses of the University as they may deem best.

Expenditure of money in additional building.

Investment of surplus funds.

promotive of the objects of said University; *Provided further*, that said trustees shall pay out of said funds all expenses that have been or may be incurred in the selection and location of said lands under said act of Congress, including such compensation as may be allowed by said trustees to the commissioners heretofore appointed by the governor of the State to make said selections; *Provided further*, that said trustees shall in their annual reports to the General Assembly include all their doings and expenditures under this act as the same may transpire. Expens. s.

SEC. 5. *Be it further enacted*, That it shall be the duty of the auditor of the State to draw his warrant or warrants on the treasurer of the State in favor of the treasurer of said University for all money or moneys which may be received from the sale or sales of land or lands under this act as the said trustees may from time to time direct, and the treasurer of the University shall give his receipt or receipts for the same; and the moneys so received shall be subject to the order of the trustees for the purposes and uses aforesaid; *Provided further*, that said treasurer shall be required to give additional bond with security to be approved by said trustees for the performance of all duties required under this act; *Provided further*, that in no event shall the said trustees invest any of said funds in the bonds, notes, or promises, of any private corporation or individual, nor loan any of said funds to any such persons. duty of audit-  
or.  
  
Treasurer to  
give additional  
bond.

SEC. 6. *Be it further enacted*, That all laws in conflict with this act, be and the same are hereby repealed. Repeal of con-  
flicting laws.

Approved February 5th, 1885.

No. 46.]

AN ACT

[S. 1.

To amend section 4414 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section forty-four hundred and fourteen (4414) of the Code be amended so as to read as follows, to-wit:

§ 4414. *Trespassing of stock under common fence, or o'her enclosure*.—Any one of several parties occupying or

Trespass of  
stock.

Penalty.

cultivating land under a common fence, or other enclosure, whether said fence, is a lawful fence or not, who turns stock of any kind into such enclosure, or knowingly suffers such stock to go at large therein, without the consent of all the parties, owning or cultivating said lands, is guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than five nor more than fifty dollars, and also the amount of damages inflicted by said stock, which damages shall be held as part of the penalty imposed by the court, and shall go to the party injured.

Justice of peace  
to have jurisdiction.

SEC. 2. *Be it further enacted*, That any justice of the peace or any notary public and ex-officio justice of the peace shall have jurisdiction of said offense, and any person may appeal from their judgments as in other cases.

Repeal of former laws.  
Applies to.

SEC. 3. *Be it further enacted*, That said section 4414 of the Code as it stood, be, and the same is hereby repealed. *Provided*, that this act shall apply only to the counties of Cherokee, Etowah and St. Clair.

Approved February 6, 1885.

No. 47.]

AN ACT

[H. B. 602.]

To amend section 1246 of the Code.

Amendment.

*Be it enacted by the General Assembly of Alabama*, That section 1246 of the Code be amended so as to read as follows :

Board trustees  
State normal  
school, colored  
race.

§ 1246. *Board of Trustees—no compensation.*—C. W. Lovelace, T. T. Hurt, W. C. Wyatt, Stephen Childs, H. H. Hurt, W. H. Howell, J. A. Moore, A. C. Howze and G. R. Johnson, shall constitute a board of trustees which shall be known by the name and style of the board of trustees of the State Normal School, and University, for the colored race; and the trustees shall receive no compensation.

No pay.

Approved February 7, 1885.

No. 48.]

AN ACT

[H. B. 575.]

Relating to the study of Hygiene and Physiology in the  
Public Schools of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That provision shall be made by the superintendent of education, for instructing all pupils in all schools and colleges supported in whole or in part by public money, or under State control, in hygiene and physiology with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. Provision for study of hygiene & physiology in public schools.

SEC. 2. *Be it further enacted,* That no certificate of first or second grade shall be granted any person to teach in the public schools of this State after the 30th day of September, 1885, who has not passed a satisfactory examination in hygiene and physiology with special reference to the effect of alcoholic drinks, stimulants and narcotics upon the human system, and it shall be the duty of the State and county superintendents of education to see that this law is properly carried into effect. Certificate required to teach

Approved February 10, 1885.

No. 49.]

AN ACT

[H. B. 125.]

To amend section 3655 of the Code.

*Be it enacted by the General Assembly of Alabama,* That section 3655 of the Code be amended so as to read as follows: Amendment.

§ 3655 (3258). *Papers and statement of the case to be returned to the clerk.*—When an appeal is taken, the justice must return all the original papers of the cause, together with a statement signed by him of the case, and the judgment rendered by him to the Clerk of the Circuit Court within ten days after such appeal is taken. Appeal cases; justice to return papers to clerk.

Approved February 12th, 1885.

No. 50.]

AN ACT

[H. B. 163.]

To set apart to widows and minors the property exempt from administration and debts under the laws of Alabama, without any administration thereon.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That on and after the passage of this act, when any resident of this State shall die, or where any resident has heretofore died leaving surviving him a widow, or widow and minor child or children, or minor child or children, and who at the time of his death owned in this State personal and real property, or either personal or real property, not to exceed the amount exempted to widows and minor child or children as provided under the laws of this State, it shall be the duty of the probate judge of the county in which such property is situated, if there has been no administration on the estate of the decedent and sixty days have elapsed since his death, upon the application of the widow, or if there be no widow, upon the application of some suitable person who shall be appointed by such probate judge as the next friend of such minor child or children, to appoint two commissioners, who shall be citizens of good standing in such county, whose duty it shall be to make a complete inventory of all the personal property so exempt, and to set apart to such widow, or widow and minor child or children, or minor child or children, all of the personal and real property exempted to such widow, or widow and minor child or children, or minor child or children, under the provisions of the laws of this State.

**SEC. 2.** *Be it further enacted,* That it shall be the duty of such commissioner to return into the Probate Court a complete inventory of all the personal property with a fair valuation of the same, and a true description by metes and bounds of all the realty set apart by them to such widow or minor child or children, which report shall be verified by the affidavit of such commissioners, and upon the confirmation and approval of such report by the probate judge, all the title, rights, privileges and immunities to such property shall vest in such widow, or such widow and minor child or children, or minor child or children, as completely and fully as if said estate had been regularly administered upon and declared insolvent.

SEC. 3. *Be it further enacted*, That such report shall be recorded by the probate judge in the book in which exemptions are recorded, and for such services the probate judge shall be entitled to two dollars, and each of such commissioners shall be entitled to two dollars for their services. Record of report.

SEC. 4. *Be it further enacted*, That until such setting apart or administration, the widow, or if there be no widow, then the guardian of such minor child or children may use the exempted property as now authorized by law and if necessary sue for and recover the same or any part thereof and may bring such suits therefor as a regular appointed administrator or guardian might do. Action prior to separating the property, &c.

Approved February 12th, 1885.

No. 51.]

AN ACT

[H. B. 29.

To define the liabilities of employers of workmen for injuries received by the workman while in the service of the employer.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, Whenever any workman, who, while in the service of another person or of a corporation doing business in this State, receives or sustains any injury to his person, (1) by reason of any defect in the condition of the ways, works, machinery or plans connected with or used in the business of the employer; (2) or by reason of the negligence of any person in the service of the employer, who has any superintendence intrusted to him, whilst in the exercise of such superintendence; (3) or by reason of the negligence of any person, in the service of the employer to whose order or directions, the workman at the time of the injury was bound to conform and did conform, when such injury resulted from his having so conformed; (4) or by reason of the act or omission of any person in the service of the employer done or made in obedience to the rules, regulations or by-laws, of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf; (5) or by reason of the negligence of any person in the service of the employer, who has the charge, or control Liability of employer to employee in case of injury sustained.

44 Low. 683

of any signal, switch, engine or train upon a railway or any part of the track thereof, the workman, or in case the injury results in death, the heirs at law of the workman, shall have the same right of compensation and remedies against the employer, as if the workman had not been a workman of, nor in the service of the employer, nor engaged in his work.

**Non-liability.** SEC. 2. No workman shall be entitled to compensation in any case arising under subdivision one (1) of section one (1) of this act, unless the defect therein mentioned, arose from, or had not been discovered or remedied owing to the negligence of the employer, or of some person in the service of the employer and entrusted by him with the duty of seeing that the ways, works, machinery or plans were in proper condition; nor in any case, where the workman knew of the defect or negligence which caused his injury and failed within a reasonable time, to give, or cause to be given information thereof to the employer, or to some person superior to himself in the service of the employer, unless he was aware that the employer or such superior knew of the said defect or negligence.

**Sum recovered exempt.** SEC. 3. All sums recovered under the provisions of this act shall be exempt from the payment of the debts of the person injured.

Approved February 12, 1885.

No. 52.]

AN ACT

[H. B. 620.]

To fix the time of holding the Circuit Courts in the Sixth Judicial Circuit of Alabama.

**Sixth judicial circuit.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the circuit courts in the the several counties of the sixth judicial circuit of Alabama shall be held in each year as follows:

**Pickens.** In the county of Pickens on the first Mondays in February and August of each year and may continue for two weeks.

**Sumter** In the county of Sumter, on the third Mondays in February and August of each year and may continue two weeks.

**Lamar.** In the county of Lamar on the first Mondays after the

fourth Mondays in February and August of each year and may continue for two weeks.

In the county of Fayette, on the third Mondays after Fayette. the fourth Mondays in February and August of each year and may continue for two weeks.

In the county of Tuscaloosa, on the sixth Mondays after Tuscaloosa. the fourth Mondays in February and August of each year and may continue for two weeks.

In the county of Greene on the eighth Mondays after Greene. the fourth Mondays in February and August of each year and may continue two weeks.

In the county of Shelby on the tenth Mondays after Shelby. the fourth Mondays in February and August of each year and may continue for two weeks.

In the county of Walker on the twelfth Mondays after Walker. the fourth Mondays in February and August of each year and may continue for two weeks.

In the county of Jefferson, on the fourteenth Mondays Jefferson. after the fourth Mondays in February and August of each year and must continue until the business is disposed of.

SEC. 2. *Be it further enacted,* That this act shall not Takes effect. go into effect until the first day of July, 1885.

Approved February 13, 1885.

No. 53.]

AN ACT

[S. B. 120.]

To amend section 4373 of the Code.

SECTION 1. *Be it enacted by the General Assembly of* Amendment. *Alabama,* That section 4373 of the Code be amended so as to read as follows:

§ 4373. *Obtaining money or goods on credit, under false color or pretense of carrying on business, or under false representation of his pecuniary condition with intent to defraud, or bringing into the State money or goods so obtained.*—Any person who shall, by a false representation of his pecuniary condition, or under the false color and pretense of carrying on business and dealing in the ordinary course of trade, obtain on credit from any person any money, goods or chattels, with intent to defraud, or who brings, or causes to be brought, into any False pretenses

Penalty.

county of this State, any money, goods or chattels, obtained as aforesaid in any other State, shall on conviction, be punished as if he had stolen the same; and any person violating the provisions of this section may be indicted and tried in the county in which he resides, or in any county into which he brings, or causes to be brought, any of such money, goods or chattels.

Approved February 14, 1885.

No. 54.]

AN ACT

[S. B. 137.

To amend section 1812 of the Code.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1812 of the Code be amended so as to read as follows :

Company may borrow money.

That any company organized under the provisions of this article, may borrow money for the purpose of carrying out the objects of its charter, and may make notes, bonds or other evidences of debt, and by a vote of a majority of the stock, had at a meeting called for the purpose, by advertisement as provided above, in the preceding section of this article, may secure the payment of said notes, bonds or evidences of debt, by mortgage, or deed of trust, on all or any of their property both real and personal.

Payment secured by mortgage.

Approved February 14, 1885.

No. 55.]

AN ACT

[S. 152.

To amend section 2761 of the code.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2761 of the code of Alabama be and the same is hereby amended so as to read as follows :

§ 2761. *Proceedings for appointment of guardian for non compos citizen of this State confined in foreign asylum.*—The probate court of the county of the residence in this State of a person who is *non compos mentis*, but who is confined in an asylum, whether within or beyond the

limits of this State, is authorized, on application by a relative of such person, to declare him *non compos mentis* without personal notice, in the manner now prescribed by law for inquisitions of lunacy, but the Probate Court must appoint a guardian *ad litem* to represent and defend such *non compos mentis*, whose duty it shall be to deny the facts stated in the application, and who shall be authorized to employ counsel to conduct the defense, at the expense of the estate of the alleged *non compos mentis*, and if on the trial the person is found to be *non compos mentis*, the court must so declare him to be, and appoint a suitable person guardian for him. And the guardian so appointed must give bond as other guardians, and be subject to all their liabilities.

Probate judge to appoint guardian ad litem.

Guardian must give bond.

SEC. 2. *Be it further enacted*, That all laws or parts of laws, so far as they conflict with the provisions of this act, be, and the same are hereby repealed.

Repealing clause.

Approved February 14, 1885.

No. 56.]

AN ACT

S. 313.]

To prohibit registers in chancery from practicing law in the court of which he is register, either directly or indirectly by himself or through his partner or other person.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any register in chancery in this State to engage in the practice of law in the court of which he is the register, either directly or indirectly, by himself or through his partner or other person.

Register in chancery not to practice law.

SEC. 2. *Be it further enacted*, That any register in chancery, his partner or other person connected with him who shall violate the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum of not less than one hundred nor more than five hundred dollars, at the discretion of the court or jury trying the same.

Transgression a misdemeanor

SEC. 3. *Be it further enacted*, That it shall be the

Special charge to grand juries. duty of the circuit judges of this State, to give this law in special charge to the grand juries.

Approved February 14, 1885.

No. 57.]

AN ACT

[H. B. 674.

To amend an act to amend an act to revive and complete the Geological and Agricultural survey of the State of Alabama, approved February 19, 1883.

Amendment,

To complete geological and agricultural survey.

Printed in full and comprehensive form.

Fund paid from.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2 of an act to amend an act to amend an act to revive and complete the geological and agricultural survey of the State of Alabama, be amended so as to read as follows: 2. That the said State geologist shall make to the governor a biennial report of the progress of his surveys and explorations of the mineral, agricultural, and other natural resources of the State; and upon the completion of the survey, or whenever the material is in hand sufficient for a bulletin or for a volume of a final report, he shall make a full report of his labors, including surveys and explorations of mineral deposits, their location, and the best and most economical methods of development, of the qualities of soils, and their adaptation to agricultural purposes, together with analysis of soils, ores, marls, minerals, and mineral waters; with maps, charts and drawings; which said reports shall be printed, at such times, and such places, and in such numbers and in such style of binding, lithographing and engraving as the governor, secretary of state, and State geologist shall deem best; and the account for publishing the same approved by the governor; and said reports shall be distributed as the governor, secretary of state, and State geologist, shall deem best, through the contractor for distributing other public documents, at the rates prescribed in the contract for distributing such documents; *Provided*, that all the printing and publishing and distribution of the same, shall be paid out of the fund appropriated under an act to amend an act to revive and complete the geological and agricultural survey of the State of Alabama, approved 19th February, 1883.

Approved February 16, 1885.

No. 58.]

AN ACT

[S. 81.]

To amend an act to amend section 1719 of the Code of Alabama, so as to punish any railroad company, agent or owner of any railroad bridge over the navigable waters within the limits of the State of Alabama, who shall fail or refuse to comply with the provisions of this act, approved February 12th, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of an act entitled an act to Amend. amend section 1719 of the Code of Alabama, so as to punish any railroad company, agent or owner of any railroad bridge over the navigable waters within the limits of the State of Alabama, who shall fail or refuse to comply with the provisions of this act, to be amended so as to read as follows:

*Drawbridge to be opened on signal; priority.*—Any railroad company owning or agent having supervision over, management or control of any railroad bridge over the navigable waters within the limits of the State of Alabama, shall, upon signal being given as mentioned in section 1718, proceed at once to open or cause to be opened the said drawbridge for the passage of said steamboat, and any railroad company, agent or owner of any such drawbridge failing to open such draw immediately upon signal being given as above provided, without lawful excuse for such delay, shall forfeit to the use of the owner of any boat or vessel so delayed, without lawful excuse, the sum of two hundred and fifty dollars, to be recovered by action at common law in any court of competent jurisdiction, provided such suit is brought within ninety days after the accrual of the cause of action.

Railroad draw-bridges over navigable waters; upon signal by steamboat must be opened at once

Penalty for failure.

Approved February 16, 1885.

To authorize the governor to employ an expert accountant to act as examiner of public accounts, and to define his duties.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That the governor is hereby empowered to employ and appoint an expert accountant of known integrity and skill, who shall act as examiner of public accounts, and whose duty it shall be, under the direction of the governor, whenever required to do so, to audit and examine the books, accounts and vouchers of the secretary of state, the auditor, the treasurer, the superintendent of education and the warden of the penitentiary, or such officer as may have charge of the books, accounts and vouchers pertaining to the State convicts, their hires, expenses and management, and, also, the books, accounts and vouchers pertaining to the revenue receipts and expenses of the University of Alabama, the Alabama Insane Hospital, the Agricultural and Mechanical College of Alabama, the Alabama Institution for the Deaf, Dumb and Blind, and of the several Normal Schools of the State. The governor shall direct the labor of said examiner, and may require him to examine the accounts of any State or county officer charged with the duty of collecting or disbursing any part of the public revenue, fix his compensation at not exceeding ten dollars per day while actually employed for the State, the examiner to pay his own expenses, and prescribe the time for which he shall be employed. When required by the governor to do so, said examiner shall have the money in the treasury counted, in which case the governor shall require, either the auditor, the secretary of state, or the attorney general, or all of them to be present to supervise the count, and to join in certifying the result to the governor.

**SEC. 2.** *Be it further enacted,* That the governor shall cause to be issued to said examiner a commission, vesting in him the powers granted by this act, and authorizing him to administer the oaths to witnesses, whom he may have to examine, and requiring officers whose books and accounts are examined, and their clerks to render him assistance, and give him information needed in the prosecution of his investigations, which said commission may

Governor empowered to employ expert accountant.

Duties of accountant.

Commission.

be revoked by the governor at his discretion. In which case the governor may employ, appoint and commission some other suitable person to perform the same duties.

SEC. 3. *Be it further enacted*, That said examiner shall, from time to time, report to the governor, under oath, the results of his examination, and the true condition and state of the books and accounts examined at the time of his examination. Said reports shall be public records. Before each session of the General Assembly the governor may cause 750 copies of said reports to be printed for the use of the General Assembly, which said printing shall be by the public printer and paid for as other public printing is paid for. Accountant's report.

SEC. 4. That ~~there~~ is hereby appropriated out of any funds in the treasury not otherwise appropriated, the sum of fifteen hundred dollars per annum for the first twelve months after the passage of this act, and one thousand dollars per annum thereafter, or so much thereof as may be necessary to carry into effect this act. Salary.

SEC. 5. *Be it further enacted*, That said examiner shall not have power to prescribe how books and accounts shall be kept, nor to regulate the mode of conducting business in any public office, and whenever the legality of any payment is involved, said examiner shall submit the principles of law involved to the attorney general for his advice and opinion and be governed thereby. Not authoriz'd to prescribe how books shall be kept.

Approved February 16th, 1885.

No. 60.]

AN ACT

[S. 178.

To amend section 1245 of the code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1245 of the code be, and the same is hereby amended so as to read as follows, to-wit: There is permanently established in the Lincoln school building, at Marion, a State Normal School and University for colored teachers and students; and such normal school and university shall be operated under restrictions, and on conditions provided by law, and as an additional consideration for the above named use of the school building there shall be annually appropriated and Amendment.  
State normal school at Marion.

Appropriation. set apart six thousand dollars of the general educational fund, apportioned to the colored race, for the support and maintenance of such normal school and university, but not more than four per cent. of such appropriation may be used annually for keeping the buildings of the institution in repair.

Repeal of conflicting laws. SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved February 16th, 1885.

No. 61.]

AN ACT

[S. 435.

To make an appropriation for the benefit of the State Agricultural Society.

Appropriation for agricultural society.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of twenty-five hundred dollars be appropriated out of any money in the treasury to the credit of the department of agriculture, for the use of the Agricultural Society of the State, to be used by the executive committee of said society for the promoting of the object of said society.

Mode of drawing fund.

SEC. 2. *Be it further enacted*, That said sum may be drawn by said executive committee upon an order of the Commissioner of Agriculture upon the State Treasurer.

Approved February 16th, 1885.

No. 62.]

AN ACT

[S. 318.

To provide for the repairing the buildings of the State of Alabama at Talladega, known as the Alabama Institution for the Deaf and Dumb and the Blind.

Appropriation for repairs of deaf, dumb & blind asylum at Talladega.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of two thousand dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, to be appropriated and consumed in making any and all neces-

sary repairs on the buildings of the State, at Talladega, known as the Alabama Institution for the Deaf and Dumb and the Blind.

SEC. 2. *Be it further enacted*, That said sum shall be drawn upon the order of the treasurer of the Board of Commissioners of said institution, and used exclusively in making repairs on said buildings, under the direction of said Board of Commissioners, and not otherwise. Exclusively for repairs.

Approved February 17th, 1885.

No. 63.]

AN ACT

[S. 95.

To authorize the joining of counts in trespass with counts in case.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That counts in trespass and counts in trespass on the case may be joined in the same action when the counts so united relate to the same injury or subject matter. Joint counts in trespass and counts in case.

Approved February 17, 1885.

No. 64.]

AN ACT

[S. 117.

To amend section 4428 (3745) of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4428 (3745) of the Code be amended so as to read as follows: Amendment.

§ 4428 (3745). *Burning forest negligently*.—Any person who, negligently or carelessly causes fire to be communicated to any pine forest which is used for the purpose of procuring turpentine, or to any forest belonging to any other person and thereby destroys or injures the same, must on conviction be fined not less than fifty, nor more than two hundred dollars. Penalty for burning forest.

Approved February 17, 1885.

No. 65.]

AN ACT

[S. 121.]

To amend section 2234 (1626) of the Code.

**Amendment.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2234 (1626) of the Code be amended so as to read as follows:

§ 2234 (1626). *Relinquishment of dower; how made.*  
 The wife may relinquish her right to dower, by joining with her husband in a conveyance of the land, in the presence of two witnesses, who must attest the same (or by acknowledging the same, before any officer authorized by law to take acknowledgments and proof of conveyance) or subsequent to such conveyance by the husband, by an instrument in writing releasing her right to dower in the land so conveyed, executed by her in the presence of two witnesses, who must attest the same, as acknowledged by her, before any officer authorized by law to take acknowledgments and proof of conveyances.

Approved February 17, 1885.

No. 66.]

AN ACT

[S. 213.]

To amend an act approved February 23d, 1883, entitled "an act to amend section six (6) of an act to amend sections 1385, 1388, 1393 and 1396 of the Code approved December 12, 1882."

**Amendment.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the act approved February 23d, 1883, entitled "an act to amend section six of an act to amend sections 1385, 1388, 1393, 1395 and 1396 of the Code, approved December 12th, 1882," be so amended as to read as follows, viz.:

SEC. 6. *Be it further enacted,* That section 1399 of the Code of Alabama be amended so as to read as follows:

§ 1399. *Half Rates; when.*—Whenever a vessel entering into the bay or harbor of Mobile is crossing over or is inside of the outer bar of said bay of Mobile it is at the option of the master of such vessel to take or refuse a pilot. If the master in such case requires a pilot he

Option of vessel, when inside of outer bar at Mobile, to take pilot.

must indicate it by a signal and the nearest pilot boat must furnish a pilot, and the pilot so officiating is entitled to one-half the rate of pilotage allowed for a vessel of that draft of water. Any pilot refusing to board a vessel whenever required as aforesaid must be deprived of his license and also forfeits the sum of one hundred dollars.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal of conflicting laws.

Approved February 17, 1885.

No. 67.]

AN ACT

[S. 215.

To amend section 1382 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1382 of the Code of Alabama be amended so as to read as follows: Amendment.

§ 1382. *Who disqualified to be harbor master or warden.*—No person acting as agent or inspector of any insurance company, nor any person employed by the owner, master, or consignee of any ship or vessel for any purpose in connection with ships or vessels except as provided in this chapter; nor any person who furnishes supplies or materials of any description to any ship or vessel; nor any person having any direct or indirect interest in the business of auctioneer shall be appointed harbor master or port warden; *Provided, however*, that nothing herein contained shall prevent a reasonable fee of not exceeding ten days in any case being paid by a vessel or her master to the harbor master for his services in superintending the moving of a vessel in the place appointed when such superintendence is given or rendered at the request of such vessel or her master or of those in charge of her; but all moneys derived from this source are to form a part of the fund to be disposed of under the directions of section 1381 of the Code of Alabama. Who disqualified to be harbor master or warden.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. Fees for moving vessel.

Approved February 17, 1885.

To amend an act approved December 12, 1882, entitled an act to amend sections 1376, 1380, 1381 and 1383 of Part one, Title 12, Chapter four of the code, containing regulations of the Port and Harbor of Mobile.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act approved December 12, 1882, entitled an act to amend sections 1376, 1380, 1381 and 1383 of Part one, Title 12, Chapter four of the code of Alabama containing regulations of the Port and Harbor of Mobile be so amended as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1376 of the code of Alabama be amended so as to read as follows:

Duties of harbor master of Mobile.

§ 1376. *Duties and powers of harbor master ; his deputy.*—The harbor master must regulate and station all ships and vessels arriving within the corporate limits of the Port of Mobile, and he must from time to time remove such ships or vessels as are not employed in receiving or discharging their cargoes or ballast to make room for such others as require to be moved immediately and accommodated for receiving or discharging cargo; and as to the fact of fair and *bona fide* employment in receiving or discharging cargo or ballast, the harbor master shall be the sole judge; and he shall have authority to require masters and others having charge of ships and vessels made fast to any of the wharves to adjust their spars so that they will not interfere with other vessels, nor project over any street, and he shall also have authority to determine how far and in what instance it is the duty of masters and others having charge of ships and vessels to accommodate each other in their respective situations, and if any master or other person having charge of a ship or vessel resists or opposes the harbor master in the execution of the duties of his office, he shall be fined for every such offense a sum not exceeding fifty dollars, to be imposed by the recorder of Mobile; and such fine shall be collected as other fines so imposed are collected, and it shall be paid into the treasury of the Port of Mobile; and the harbor master in case of his sickness or temporary absence, shall have the power to appoint one of the war-

Authorized to appoint deputy

dens his deputy who shall be invested with all the powers of harbor master; *provided however*, that in the exercise of his powers and authority the harbor master shall not be authorized to station vessels arriving to receive or discharge cargo at wharves other than those selected by the master or consignee of any such vessel against the will of said master or consignee unless in so doing said harbor master acts with the assent of the person or authority owning or controlling such wharf selected by such consignee or master.

SEC. 2. *Be it further enacted*, That section 1380 of the code of Alabama be amended so as to read as follows:

§ 1380. *Fees*.—There shall be paid by the owner, master, or consignee of any vessel, or cargo, the following fees: for every survey of the hatches or of the storage of the cargo of any ship or vessel three dollars; for every survey of damaged cotton or merchandise ten dollars; for every survey of any ship or vessel ten dollars; for attending, directing and certifying the sale of damaged cotton or merchandise on sums of two hundred dollars and under, five per centum; over two hundred and not exceeding five hundred dollars two per centum; over five hundred and not exceeding one thousand dollars one per centum; over one thousand dollars one quarter of one per centum.

SEC. 3. *Be it further enacted*, That section 1381 of the code of Alabama be amended so as to read as follows:

§ 1381. *How harbor fees disposed of and harbor master paid*.—All the revenues arising to the harbor master and wardens for their services under the last preceding section and as commissioners of pilotage and all revenues arising under sections 1382 and 1383 of the code of Alabama shall constitute one fund and be applied first, to the payment of all the expenses of printing and the distribution of papers and documents which may be necessary or proper in order to make known to the public and to all persons interested the laws, rules, and regulations governing the bay and harbor of Mobile and vessels and crews coming into it; second, to the payment of the office expenses of said commissioners of pilotage, and the residue shall be divided among the harbor master and wardens

Salary of harbor master.

Penalty for not attending to his duties.

Ballast, when discharged.

share and share alike, and in addition to his said share the harbor master shall receive a salary from the Port of Mobile of nine hundred dollars per annum payable monthly in the same manner as is now provided by law for the payment of the salaries of other officers of said Port of Mobile, but such salary shall not be included in the limit of one hundred thousand dollars within which the other expenditures of said corporation are by law restricted. And said harbor master shall on refusal or neglect by him to promptly perform any of his duties on request of any master or consignee of any vessel in Mobile river within his jurisdiction, or of any owner or person controlling any wharf therein be fined by the recorder of said Port of Mobile not exceeding ten dollars for each such failure or neglect and be liable to removal by the officers authorized by law to appoint such harbor master or by a majority of them, which fine shall be enforced, collected and paid over as is provided for and concerning other fines imposed by said recorder.

SEC. 4. *Be it further enacted*, That section 1383 of the Code of Alabama be amended so as to read as follows:

§ 1383. *Of the discharge of ballast and other materials or things.*—The harbor master and wardens or a majority of them are authorized to direct where ballast and also where sweepings, screenings, cinders, refuse and rubbish of any kind shall be discharged in or about the harbor, river, Port, or Bay of Mobile, and any and all rivers emptying into the said bay, and the master or officer of any vessel or any other person who violates such direction or knowingly permits such violation while having authority to prevent it shall forfeit the sum of five hundred dollars for each offense, to be recovered with costs in the City Court of Mobile or Circuit Court of Mobile county or any other court of competent jurisdiction, at the suit of the harbor master or of any informer one half of the sum forfeited to be paid to the informer or informers and the other half to the harbor master and Port wardens, to be disposed of under section 1381 of the Code. It shall be lawful however for any vessel to discharge ballast upon any wharf or bulk-head in the Port of Mobile erected within the authorized limits of construction fixed by the corporate authorities of the Port of Mobile if the owner or person or authority possessing or controlling such wharf or bulk-head assent

thereto. The commissioners of pilotage or a majority of them have full power and authority to appoint from time to time and at all times one or more suitable persons to see to it that ballast is discharged from on board of a vessel or vessels as directed by the harbor master and Port wardens, and it shall be the duty of such appointee when any vessel is ready to discharge or commences to discharge ballast, to repair on board of such vessel and there to attend until it is all unloaded, and see to it that the directions of the harbor master and wardens as to the place and mode of discharge are faithfully complied with. After the discharge shall have been completed in compliance with the directions, the harbor master shall, upon the report of said appointee to that effect and upon the payment by the master of such vessel of two dollars and a half per day for each day that such vessel has been engaged in discharging such ballast, give to such ship master a certificate that his ballast has been duly unladen from his vessel. Any funds which may be realized under the provisions of this section shall be applied, first, to the payment of the person who was employed to see to the proper discharge of the ballast from such vessel, and any surplus, if any, shall form a part of the fund to be disposed of under the provisions of section 1381 of the Code of Alabama as now amended.

Appointment of party to see to discharge of ballast; fees.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Repeal of conflicting laws.

Approved February 17, 1885.

No. 69.]

AN ACT

[S. B. 224.

To amend section 1 of an act to give landlords of store-houses, dwelling-houses and other buildings, a lien on the goods of their tenants for rents, approved February 23d, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of "an act to give landlords of store-houses, dwelling-houses and other buildings, a lien on the goods of their tenants for rents," approved Feb-

Amendment.

rebruary 23d, 1883, be and the same is hereby amended so as to read as follows:

Landlord's  
lien.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That landlords of store-houses, dwelling-houses and other buildings, shall have a lien for rent on such goods, furniture and effects as may belong to the tenant, and that this lien shall be a superior lien to all other liens on said goods, furniture and effects, except for taxes.

Approved February 17, 1885.

No. 70.]

AN ACT

[S. B. 228.

To provide for the appointment of inspectors of timber and lumber in the State of Alabama.

Probate judge  
to appoint tim-  
ber inspector.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the probate judge of the several counties in the State of Alabama shall appoint suitable persons as inspectors of saw logs, hewn and sawn timber, lumber and deal, upon the application of such persons and the presentation of good and solvent bonds in the sum of two thousand dollars to be approved by the probate judge and with condition for the faithful discharge of the duties of said office; and every person so appointed shall be required to take an oath or affirmation faithfully to perform the duties of the office to the best of his skill and ability.

Fees.

SEC. 2. *Be it further enacted*, That until otherwise provided by law all saw logs, timber, lumber and deal inspected and measured by said inspectors, shall be inspected and measured and the fees and charges of inspection, unless regulated by contract between the parties, shall be in accordance with the customary rules and regulations in force at the time and place the inspection is made, and all inspections, fees and charges shall be paid by the persons interested.

Inspector can  
not be clerk or  
agent of dealer  
in timber.

SEC. 3. *Be it further enacted*, No lumber or timber inspector or measurer shall, while holding such office, be or become the clerk or agent of any lumber or timber buyer or seller on pain of forfeiture of his office on conviction.

SEC. 4. *Be it further enacted*, That in each county

there shall be appointed by the probate judge one competent person as inspector general of timber, lumber, logs and deal, who shall take the same oath as timber inspectors and enter into a bond in the sum of five thousand dollars, to be approved and conditioned in all respects as inspectors' bonds under this act before entering upon the duties of his office. The duties of such inspector general shall be to pass upon all cases of dispute as to the measurement and inspection of timber and lumber and logs and deal; and whose decision shall be final. Said inspector general shall hold office for two years and until his successor is appointed and qualified. Shall not be interested in the purchase or sale of timber, logs, lumber or deal during the term of his office upon pain of forfeiture thereof, and for his fees shall be entitled to the same fees for all reinspections and remeasurements as are allowed to inspectors.

Inspector general of timber in each county.

Duties.

SEC. 5. *Be it further enacted*, That any inspector or inspector general appointed under this act who shall measure lumber or timber or logs otherwise than as provided in this act, if such measurement is for the purpose of being used in the sale of such timber or lumber or logs, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars; *Provided*, that this provision shall not apply to any case where the parties buying and selling, contract that the logs or timber or lumber or deals shall not be inspected under this act.

Penalty.

SEC. 6. *Be it further enacted*, That upon the appointment of any person to the office of inspector or inspector general, the probate judge making such appointment, shall, upon the payment to him of the fee of two dollars, deliver to such appointee a commission or certificate of appointment, which shall entitle such person to act as such inspector or inspector general for the time prescribed in this act unless sooner removed from office for causes herein specified.

Commission.

SEC. 7. *Be it further enacted*, That probate judges in taking and approving bonds required under this act shall be governed by the same rules and subject to the same responsibility as prescribed by law in taking and approving administrators' bonds; *Provided*, the counties of Cleburne and Calhoun, Marengo, Autauga, Madison, Marshall, Choctaw, Jefferson, Henry, Dale, Tallapoosa,

Bond.

Chilton, Jackson, Lamar, Wilcox, Randolph, DeKalb, Clay, Chambers, Bibb, Shelby, Lawrence, Lauderdale, Etowah, Talladega, Hale, Perry, Dallas, St. Clair, Colbert, Montgomery, Marion, Winston, Sumter, Geneva, Elmore, Bullock, Greene, Conecuh, Pickens, Macon, Cullman and Pike are excluded from the provisions of this act.

Approved February 17, 1885.

No. 71.]

AN ACT

[S. B. 330.]

To prevent the introduction and spread of yellow fever in the State of Alabama.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That whenever the health officer or probate judge of the county of Escambia makes complaint on oath to the governor of the State of Alabama that there is good cause of suspicion or belief that the disease of yellow fever exists in Pensacola or Milton or other place in the counties of Escambia or Santa Rosa, in the State of Florida, it shall be the duty of the governor to forthwith inquire into the truth of the complaint so made and if found to be true to notify the probate judge of Escambia county without unnecessary delay.

**SEC. 2.** *Be it further enacted,* That upon the receipt of notice from the governor as provided in section one of this act it shall be the duty of the probate judge of Escambia county to proceed at once under the provisions of the law now in force to prevent the introduction and spread of contagious or infectious diseases and to establish such hospitals and appoint such guards as may be necessary and suitable for that purpose.

**SEC. 3.** *Be it further enacted,* That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated to defray the expenses incurred under this act, to be paid by the treasurer upon the warrant of the auditor, who shall give his warrants to such persons as present the order of the probate judge of Escambia county, approved by the governor, in the amount certified to be due them for services performed under this act.

Yellow fever;  
Escambia co.

Duties of probate judge.

Appropriation.

SEC. 4. *Be it further enacted*, That any officer failing to perform the duties required under this act, shall be deemed guilty of misdemeanor, and upon conviction must be fined not less than five hundred dollars. Penalty of officer.

Approved February 17, 1885.

No. 72.]

AN ACT

[S. 424.]

To make certain certificates which have been issued to State's witnesses, valid claims.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases where the foremen of the several grand juries in this State have issued tickets to witnesses appearing before the grand juries and where the same have been endorsed by the circuit court clerks, stating in said endorsement one of the grounds mentioned in section 4459 of the Code, which would entitle them to payment out of the fine and forfeiture fund, the same shall be valid and a charge upon and payable out of the fine and forfeiture fund, the same as if they have been issued by the clerks of the circuit courts in the first instance. Validating witness certificates issued by grand juries.

SEC. 2. *Be it further enacted*, That those tickets which have been so issued and which have not yet been endorsed as aforesaid shall have the same force and effect as if they had been issued by the clerk of the circuit courts; *Provided*, this act shall not apply to Montgomery county, nor to the following counties: Dallas, Winston, Bibb, Perry, Wilcox, Mobile, Pike, Lee, Hale. Excluding certain counties.

Approved February 17, 1885.

No. 73.]

AN ACT

[S. 441.]

To provide for the compensation of the Judge of the Ninth Judicial Circuit of Alabama.

*Be it enacted by the General Assembly of Alabama*, That the annual salary of the judge of the ninth judicial circuit of Alabama is hereby fixed at the same sum as that prescribed by law for the judges of the other judi- Salary of judge 9th jud. circuit.

cial circuits, payable at the same time and in the same manner; and a sufficient amount to pay such annual salary of said judge is hereby appropriated out of any money in the treasury not otherwise appropriated.

Approved February 17, 1885.

No. 74.]

AN ACT

[S. 446.]

In relation to binding the acts and journals of the Senate and House.

Binding Acts  
and Journals.

*Be it enacted by the General Assembly of Alabama,* That all the acts of the General Assembly and the journals of the House and Senate required by law to be printed by existing laws, shall be substantially half bound and lettered.

Approved February 17, 1885.

No. 75.]

AN ACT

[H. B. 12.]

To punish sheriffs, deputy sheriffs or jailors, who permit prisoners in their custody to be put to death by violence or receive bodily harm.

Pen'ty of sher-  
iff, &c., for al-  
lowing pris'ner  
to be taken  
from custody.

*SECTION 1. Be it enacted by the General Assembly of Alabama,* That any sheriff, deputy sheriff or jailor who, either negligently, or through cowardice, allows a prisoner to be taken from the jail of his county, or to be taken from his custody and put to death by violence or receive bodily harm, shall be guilty of a misdemeanor, and on indictment therefor and conviction thereof may be fined not less than five hundred nor more than two thousand dollars, and in addition thereto may be sentenced to hard labor for the county for not more than two years.

Approved February 17, 1885.

No. 76.]

AN ACT

[H. B. 13.]

To provide the manner in which corporations and non-residents must give security for costs when suing in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all actions commenced by or for the use of a non-resident of this State, or by or for the use of all corporations, except townships of this State and municipal corporations created by this State, must be dismissed on motion, by the court, unless security for the costs be endorsed on the complaint, or on the writ in case of an attachment, to be approved by the officer issuing the summons, or writ of attachment, as the case may be, at the time of issuance; or unless security be furnished as required by the court, upon motion therefor; and when any such action is dismissed for the want of such security, the costs which have accrued must be taxed against the attorney directing the process to be issued.

Suits of non-residents dismissed unless costs secured.

SEC. 2. *Be it further enacted,* That sections 3149 (2802), 3151 (2804), and 3153 (2806) of the Code be and the same are hereby repealed.

Repeal of sections.

SEC. 3. *Be it further enacted,* That the security required to be given may be by deposit of money with the clerk of the court in which the suit is brought, the amount to be determined by the court, or the officer taking the security, and such security may be increased from time to time as may be necessary to cover the costs.

Form of security.

Approved February 17, 1885.

No. 77.]

AN ACT

[H. B. 15.]

To amend section 4879 (4178) and 4880 (4179) of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections 4879 (4178) and 4880 (4179) of the Code be so amended as to read as follows, to-wit:

Amendment.

§ 4879 (4178). *Peremptory challenges by the defendant.* The defendant is entitled to twenty-one peremptory challenges, when on trial for a capital offense; to fifteen, when

Peremptory challenge by defendant.

on trial for any felony not capital; to six, when on trial for a misdemeanor; and to six, when on trial in bastardy proceedings.

By State. § 4880 (4179). *Same, by State.*—The State is entitled to fourteen peremptory challenges on the trial of a capital offense; to ten, on the trial of any felony not capital; to four, on the trial of any misdemeanor; and to four, on trial of bastardy proceedings.

Approved February 17, 1885.

No. 78]

AN ACT

[H. B. 27.

To fix sheriffs fees for victualing prisoners confined in jail for contempt of court or under attachment or as witnesses, or by virtue of any warrant or process to keep the peace on account of insanity.

Sheriffs' fees  
for feeding  
prisoners.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sheriffs are entitled to the following fees, to-wit: For victualing each prisoner confined in jail for contempt of court or under attachment or as a witness, or by virtue of any warrant or other process to keep the peace, or on account of insanity, to be paid by the prisoner, or by the State if he is insolvent, for each day thirty cents.

SEC. 2. *Be it further enacted,* That all laws regulating the manner of paying sheriffs fees for victualing prisoners and not inconsistent with this act, shall be applicable to the cases herein provided for.

Approved February 17th, 1885.

No. 79.]

AN ACT

[H. B. 53.

To regulate the practice on appeals in criminal cases in the matter of defective oaths to juries.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That no criminal cause, which shall hereafter be taken by appeal to the Supreme Court of this State shall be reversed because of any defect in the administra-

tion of the oath to any grand or petit jury unless the record in the cause disclose the fact that some objection was taken in the court below during the progress of the trial based on such defect; *provided*, that this rule shall not apply to cases where it appears affirmatively from the record that the appellant did not have the benefit of counsel on his trial in the lower court from which the appeal was taken.

Appeals to supreme co'rt not reversed on account of defective oath.

Approved February 17, 1885.

No. 80.]

AN ACT

[H. B. 60.

To amend an act entitled an act to permit defendants to make statements in their own behalf in all trials of indictments, complaints, or other criminal proceedings, approved December 2d, 1882.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to permit defendants to make statements in their own behalf in all trials of indictments, complaints or other criminal proceedings, approved December 2d, 1882, be and the same is hereby amended as follows: That on the trial of all indictments, complaints or other criminal proceedings, the person on trial, shall at his own request, but not otherwise, be a competent witness; and his failure to make such request shall not create any presumption against him, nor be the subject of comment by counsel.

Defend'nt may make statem'nt in his own behalf.

SEC. 2. *Be it further enacted*, That said act approved December 2d, 1882, be and the same is hereby repealed.

Repeal of former act.

Approved February 17, 1885.

No. 81.]

AN ACT

[H. B. 92.

To amend section 4222 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4222 of the Code of Alabama be Amendment. and the same is hereby amended so as to read as follows:

§ 4222. Any manufacturer, brewer, distiller, grocer,

Adulteration  
of liquors.

tavern-keeper, retailer of spirituous, vinous, malt or fermented liquors, or wholesale dealers of spirituous, vinous, malt or fermented liquors, or any other person who makes, distills, sells, or offers to sell or exposes for sale, or permits his servant, apprentice, clerk or agent, or other person for him, to sell, offer or expose for sale any vinous, or spirituous, malt or fermented liquors, which have been adulterated by the mixture or addition to, of any poisonous, unwholesome substances, or which are composed or compounded in whole or in part of any drug or oil, must on conviction be fined not less than two hundred and fifty and not more than one thousand dollars.

Solicitor's fee.

SEC. 2. *Be it further enacted*, That the solicitor's fee for conviction under this section shall be one hundred dollars.

Approved February 17, 1885.

No. 82.]

AN ACT

[H. B. 121.

To require the Supreme Court to review and revise the rulings of primary courts refusing to order a change of venue in criminal cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the refusal of the primary court to order a change of venue in any criminal case shall no longer vest in the irrevivable discretion of the court to which application for the change of venue is made, but after final judgment, may be reviewed and revised in the Supreme Court in the same manner and to the same extent as other questions of law arising in criminal cases.

Supreme court  
may review &  
revise rulings  
of primary c'ts.

Approved February 17, 1885.

No. 83.]

AN ACT

[H. B. 123.

To allow the oral examination of witnesses in Courts of Chancery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That either party to any cause in the Courts of

Chancery may give notice to the other that he desires the evidence of any particular witness or of all the witnesses who reside within one hundred miles of the place of trial of the cause, to be taken orally, and thereupon such witness or witnesses shall be examined orally before an examiner in chancery appointed by the Court, or by a special commissioner to be appointed by the register or by the register, as the applicant may desire as in other cases, subject to such regulations as may be from time to time prescribed by the rules of court.

Oral testimony  
in courts of  
chancery.

SEC. 2. *Be it further enacted*, That the notice required by this act shall be by personal service on the opposite party or his solicitor, unless said party does not reside in the county and has no solicitor of record residing in the county, in which case the notice may be given by entering said notice on the order book of the register.

Form of notice

Approved February 17, 1885.

No. 84.]

AN ACT

[H. B. 185.

To prescribe a uniform mode of executing conveyances of lands and of every interest therein.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, Conveyances for the alienation of lands or of any interest or right therein, whether the same be a fee or less estate, or a dower, or the property of the husband or wife, if the wife be over eighteen years of age, must be written or printed on parchment or paper, and must be signed at their foot, by the contracting party or his or her agent having written authority; or if he is not able to sign his name, then his name must be written for him, with the words "his mark," written against the same, or over it; the execution of such conveyance must be attested by one, or where the party can not write, by two witnesses, who are able to write, and who must sign their names as witnesses; *Provided*, this act shall not apply to conveyances of homesteads; *Provided*, that this act shall not repeal or affect the laws now in force governing the acknowledgment, probate, or record of conveyances,

Conveyances  
alienat'g lands  
must be writ'en  
or printed.

Signed and  
w'itnessed.

nor to change or modify the forms now prescribed by law, for acknowledgment or probate of conveyances.

Approved February 17, 1885.

No. 85.]

AN ACT

[H. B. 207.]

To amend section 4370 of the Code.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4370 of the Code be amended so as to read as follows :

§ 4370 (3714). *Obtaining property by false pretenses.*

Penalty for obtaining goods under false pretenses.

Any person who by any false pretense or token and with the intent to injure or defraud, obtains from another any money or personal property, or any person who has entered into a written contract, with, at the time, the intent to defraud, to do or to perform any act or service and in consideration thereof obtains from the hirer money or other personal property, and who abandons the service of such hirer without just cause, without first repaying such money or other advances, and with the intent to injure or defraud, must, on conviction, be punished as if he had stolen it.

Approved February 17, 1885.

No. 86.]

AN ACT

[H. B. 210.]

To prevent public drunkenness.

Public drunkenness.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That any person, who while intoxicated or drunk, appears in any public place, where one or more persons are present or at or within the curtilage of any private residence, not his own, where one or more persons are present, and manifests his or her drunken condition, by boisterous or indecent conduct or rude and profane discourse, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars.

Penalty.

Approved February 17, 1885.

No. 87.]

AN ACT

[H. B. 264.]

To protect and encourage industry within the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person who shall by force or threats of violence to person or property, prevent or seek to prevent any person from doing work or furnishing materials, or from contracting to do work or furnish materials, for or to any person, firm or corporation engaged in any lawful business, or who shall in like manner disturb, interfere with, or prevent the peaceable exercise of any lawful industry, business or calling, by any other person within the State of Alabama, shall be guilty of a misdemeanor, and on conviction must be fined not less than ten, nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than twelve months.

Protection of  
industry.

Penalty for in-  
terference.

Approved February 17, 1885.

No. 88.]

AN ACT

[H. B. 231.]

To prohibit the improper employment of State troops at the execution of criminals.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That no sheriff shall order out or put on duty at the execution of any criminal any company or portion of State troops, except when a riot, attempt at rescue or other outbreak, which the *posse comitatus* is powerless to subdue or control, has actually occurred; or there is reasonable cause to apprehend a riot, attempt at rescue, or other outbreak, which the *posse comitatus* cannot subdue or control.

Sheriff not au-  
thorized to call  
out the State  
troops.

SEC. 2. *Be it further enacted,* That any sheriff calling out or putting on duty any company or portion of State troops in violation of section one of this act, or who calls out or puts on duty any portion of the State troops even where there is proper cause therefor, without first applying to the governor and obtaining his instructions in the premises, if there is time and opportunity beforehand to

Must first ap-  
ply to the gov-  
ernor.

make such application and receive the governor's instructions, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five hundred dollars nor more than one thousand dollars.

Sheriff ordering out troops to make a written report to governor within ten days, setting forth facts.

SEC. 3. *Be it further enacted*, That in every case where State troops are ordered out or put on duty by the sheriff on the occasion of the execution of any criminal, without first obtaining the instructions of the governor, it shall be the duty of the sheriff forthwith to notify the governor of the reasons for his action, and within ten days thereafter to make a written report, under oath, to the governor, setting forth the facts and circumstances necessitating the ordering out of said troops; and any sheriff failing to make such written report to the governor, shall be guilty of a misdemeanor, and on conviction thereof fined not less than one hundred nor more than two hundred dollars.

Approved February 17, 1885.

No. 89.]

AN ACT

[H. B. 378.]

To establish a branch Agricultural Experiment Station in the canebrake.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, There is hereby established at or near Uniontown, in Perry county, Alabama, a branch Agricultural Experiment station, for the purpose of conducting and making experiments in scientific agriculture.

Agricultural experiments in the canebrake.

SEC. 2. The said branch station shall be under the general supervision and control of a Board of Control composed of the commissioners of agriculture. The directors of the Agricultural Experiment station of the Department of Agriculture, and three progressive farmers, engaged in cultivating canebrake lands, who shall be appointed by the Governor and hold their office for three years. No member of the Board of Control shall receive any compensation, but shall be entitled to pay for their actual traveling expenses when visiting said station, and while at said station on the business thereof.

Who compose board of control.

SEC. 3. That said Branch Experiment station shall conduct such experiments as will best advance the inter-

ests of scientific agriculture, particularly on canebrake lands. All chemical analyses required by the said branch station, shall be made for the Department of Agriculture by the Agricultural and Mechanical College without charge therefor.

Chemical analyses made by A. and M. college.

SEC. 4. The Board of Control of said branch station are hereby authorized and empowered to purchase not exceeding forty acres of land, suitable for an Agricultural Experiment station and to construct and place thereon, all buildings and improvements necessary and proper thereto. The title to said land shall be taken in the name of the State of Alabama, and there is hereby appropriated out of any funds of the Agricultural Department in the treasury, the sum of two thousand dollars, or so much thereof as may be necessary to buy said land and place thereon the necessary improvements.

Appropriation.

SEC. 5. The Board of Control shall have power to appoint an assistant director, who, under the direction and advice of said board, and in its absence, of the director of the experiment station of the Department of Agriculture, shall direct and conduct the officers of said branch station, and make such experiments as may be determined upon by said Board of Control. The Board of Control are hereby empowered to appoint such other officers, agents or servants as they deem necessary to carry on the operations of said station, and to remove at pleasure the assistant director and any of said officers, agents or servants, and to fix their compensation.

Board of control may appoint assistant director.

Duties of.

SEC. 6. All the expenses of carrying on and conducting said station and its operations shall be paid by the Commissioner of Agriculture out of the funds of the Department of Agriculture not to exceed fifteen hundred dollars per annum.

Expenses to be paid by commissioner of agriculture.

Approved February 17th, 1885.

No. 90.]

AN ACT

[H. B. 389.]

To provide for the revision and codification of the public statutes of this State, both civil and criminal.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the governor, as soon as is practicable after the passage of this act, shall appoint one commissioner, who shall select two assistant commissioners who shall be and are hereby required to perform the duties herein specified. First, they shall revise and reduce into a written and systematic code the whole body of the public statutes of this State, civil and criminal; *Provided*, that the said commissioners, if they deem best, shall have authority to divide the code into two volumes, one containing the criminal and one the civil statutes of the State and recommend that they be bound separately.

Governor to  
appoint com-  
missioner to re-  
vis- and codi-  
fy statutes.

Commissioner  
to deliver pre-  
pared code to  
governor three  
months before  
meeting of as-  
sembly.

SEC. 2. *Be it further enacted*, That it shall be the duty of the said commissioners, at least three months before the meeting of the next General Assembly to deliver the code so prepared by them to the governor, accompanied by a report in writing, specifying any and all omissions of existing statutes, any and all changes or amendments of such statutes, and any and all additions to such statutes, which may be made by them in such revision and codification.

Gov. to submit  
code & report  
to next general  
assembly

SEC. 3. *Be it further enacted*, That upon the delivery of said code and report to the governor, it shall be his duty to submit the code and the report of the commissioners to the next General Assembly for such action thereon as may be deemed expedient.

Vacancy in of-  
fice of commis-  
sioner filled by  
governor.

SEC. 4. *Be it further enacted*, That in the event a vacancy occurs in the office of commissioner, appointed by the governor, it shall be the duty of the governor to fill the vacancy; but if a vacancy occurs, by removal or otherwise, in the position of assistant, the vacancy shall be filled by the commissioner, as in the first instance.

Compensation  
of commission-  
er and assist-  
ants.

SEC. 5. *Be it further enacted*, That the commissioner appointed by the governor shall receive as compensation for his services the sum of three thousand dollars, and each of the assistants shall receive as compensation for for his services two thousand dollars, and on the comple- tion of their labors and report to the governor, upon the order of the governor, the auditor shall draw his warrant

on the treasurer in favor of said commissioner and each of his assistants for the sums respectively due to them as aforesaid, which warrants the treasurer shall pay out of any funds in the treasury not otherwise appropriated.

SEC. 6. *Be it further enacted*, That the said commissioners shall prepare a complete and accurate index to each separate volume of the new code herein provided for, each subject being indexed under every appropriate head, referring to sections, and to pages which have no sections, and the commissioners shall also make suitable marginal notes as to the contents of the sections and dates and pages of the amendatory statutes, with foot notes of all the decisions of the Supreme Court construing or bearing upon the sections. Accurate index to be prepared.

SEC. 7. *Be it further enacted*, That the commissioners shall not include in the code to be prepared by them, all sections establishing normal or city schools as separate school districts, nor any of the matters in the Code of 1876, from and after the title page, to and including the analysis of the Constitutions of 1875. Matter not included in revision.

Approved February 17, 1885.

No. 91.]

AN ACT

[H. B. 438.

To divide the State of Alabama into Nine Judicial Circuits, and to fix the times and places of holding courts therein.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the State of Alabama is divided into nine judicial circuits, each circuit to be numbered and composed of the counties as follows: First Circuit—Choctaw, Washington, Clark, Monroe, Marengo, Baldwin and Mobile; Second Circuit—Covington, Crenshaw, Escambia, Conecuh, Pike, Butler and Montgomery; Third Circuit Henry, Dale, Geneva, Coffee, Bullock, Russell, Lee and Barbour; Fourth Circuit—Dallas, Perry, Hale, Lowndes and Wilcox; Fifth Circuit—Randolph, Chambers, Tallapoosa, Coosa, Macon, Chilton, Bibb, Elmore and Autauga; Sixth Circuit—Winston, Walker, Fayette, Lamar, Pickens, Greene, Sumter and Tuscaloosa; Seventh Circuit—Talladega, Clay, Cleburne, Calhoun, St. Clair, Division of the State into nine judicial circuits

Shelby and Jefferson ; Eighth Circuit—Lauderdale, Colbert, Marion, Franklin, Cullman, Lawrence, Morgan, Limestone and Madison ; Ninth Circuit—Etowah, Blount, Marshall, DeKalb, Cherokee and Jackson.

**Takes effect.** SEC. 2. *Be it further enacted,* That the provisions of this act, shall take effect from and after the Tuesday after the first Monday in November, 1886 ; *Provided, however,* that at the general election in August, 1886, a judge shall be elected for each of the judicial circuits aforesaid, by the qualified electors thereof, who shall hold his office for the term of six years from and after the Tuesday after the first Monday in November, 1886, and until his successor is elected and qualified, and who must reside in the circuit for which he is elected twelve months preceding such election and during his continuance in office.

**Proviso.** SEC. 3. *Be it further enacted,* That the circuit courts in the several counties of this State shall be held at the court houses thereof, in each year as follows :

**Time of holding courts.** *In the First Circuit—*

**1st circuit.** 1. In the county of Marengo, on the first Monday in March, and on the fourth Monday in September, and may continue three weeks.

**Marengo.** 2. In the county of Choctaw, on the fourth Monday in March, and the third Monday after the fourth Monday in September, and may continue two weeks.

**Choctaw.** 3. In the county of Washington, on the second Monday after the fourth Monday in March, and the fifth Monday after the fourth Monday in September, and may continue one week.

**Washington.** 4. In the county of Clarke, on the third Monday after the fourth Monday in March, and the sixth Monday after the fourth Monday in September, and may continue one week.

**Clarke.** 5. In the county of Monroe, on the fourth Monday after the fourth Monday in March, and may continue one week ; and on the seventh Monday after the fourth Monday in September, and may continue two weeks.

**Monroe.** 6. In the county of Baldwin, on the fifth Monday after the fourth Monday in March, and on the ninth Monday after the fourth Monday in September, and may continue two weeks.

**Baldwin.** 7. In the county of Mobile, on the seventh Monday after the fourth Monday in March, and on the eleventh

**Mobile.**

Monday after the fourth Monday in September, and may continue eight weeks.

*In the Second Circuit—*

1. In the county of Covington, on the first Monday <sup>ad circuit.</sup>  
in March, and may continue two weeks; and on the first <sup>Covington.</sup>  
Monday in September, and may continue one week.

2. In the county of Crenshaw, on the third Monday <sup>Crenshaw.</sup>  
in March, and may continue one week; and on the second  
Monday in September, and may continue two weeks.

3. In the county of Escambia, on the fourth Monday <sup>Escambia.</sup>  
in March, and may continue one week; and on the fourth  
Monday in September, and may continue two weeks.

4. In the county of Conecuh, on the second Monday <sup>Conecuh.</sup>  
after the fourth Mondays in March and September, and  
may continue two weeks at each term.

5. In the county of Pike, on the fourth Monday after <sup>Pike.</sup>  
the fourth Mondays in March and September, and may  
continue three weeks at each term.

6. In the county of Butler, on the seventh Monday <sup>Butler.</sup>  
after the fourth Mondays in March and September, and  
may continue three weeks at each term.

7. In the county of Montgomery, on the second Mon- <sup>Montgomery.</sup>  
days in June and December, and may continue until the  
business is disposed of; *Provided*, that the criminal  
docket shall be taken up in the counties of Crenshaw and  
Covington on Wednesday of the first week of said courts.

*In the Third Circuit—*

1. In the county of Bullock, on the first Monday <sup>ad circuit.</sup>  
in February and on the second Monday in August, and <sup>Bullock.</sup>  
may continue three weeks.

2. In the county of Henry, on the third Monday after <sup>Henry.</sup>  
the first Monday in February; and on the third Monday  
after the second Monday in August, and may continue  
two weeks.

3. In the county of Dale, on the fifth Monday after <sup>Dale.</sup>  
the first Monday in February; and on the fifth Monday  
after the second Monday in August, and may continue  
one week.

4. In the county of Geneva, on the sixth Monday <sup>Geneva.</sup>  
after the first Monday in February; and on the sixth  
Monday after the second Monday in August, and may  
continue one week.

5. In the county of Coffee, on the seventh Monday <sup>Coffee.</sup>  
after the first Monday in February; and on the seventh

Monday after the second Monday in August, and may continue one week.

Lee.

6. In the county of Lee, on the ninth Monday after the first Monday in February; and on the ninth Monday after the second Monday in August, and may continue three weeks.

Russell.

7. In the county of Russell, on the twelfth Monday after the first Monday in February and on the twelfth Monday after the second Monday in August, and may continue three weeks.

Barbour.

8. In the county of Barbour at Clayton, on the fifteenth Monday after the first Monday in February and on the fifteenth Monday after the second Monday in August, and may continue two weeks.

In the county of Barbour at Eufaula, on the seventeenth Monday after the first Monday in February and on the seventeenth Monday after the second Monday in August, and may continue three weeks.

4th circuit.

*In the Fourth Circuit—*

Dallas.

1. In the county of Dallas, on the last Mondays of February and August, and may continue three weeks.

Perry.

2. In the county of Perry, on the third Mondays after the last Mondays in February and August, and may continue three weeks.

Hale.

3. In the county of Hale, on the sixth Mondays after the last Mondays in February and August, and may continue three weeks.

Lowndes.

4. In the county of Lowndes, on the ninth Mondays after the last Mondays in February and August, and may continue three weeks.

Wilcox.

5. In the county of Wilcox, on the twelfth Mondays after the last Mondays in February and August, and may continue three weeks.

*In the Fifth Circuit—*

5th circuit.

Autauga.

1. In the county of Autauga, on the last Monday in February, and continue one week; and on the second Monday in August, and may continue two weeks.

Elmore.

2. In the county of Elmore, on the first Monday in March, and continue one week; and on the first Monday after the third Monday in August, and continue two weeks.

Bibb.

3. In the county of Bibb, on the second Monday in March, and continue one week; and on the second Mon-

day after the fourth Monday in August, and continue two weeks.

4. In the county of Chilton, on the third Monday in March, and continue one week; and on the fourth Monday after the fourth Monday in August, and continue two weeks. Chilton.

5. In the county of Macon, on the fourth Monday in March, and may continue three weeks; and on the sixth Monday after the fourth Monday in August, and may continue three weeks. Macon.

6. In the county of Coosa, on the third Monday after the fourth Monday in March and on the ninth Monday after the fourth Monday in August, and continue one week each term. Coosa.

7. In the county of Tallapoosa, on the fourth Monday after the fourth Monday in March, and continue two weeks; and on the tenth Monday after the fourth Monday in August, and continue two weeks. Tallapoosa.

8. In the county of Chambers, on the sixth Monday after the fourth Monday in March and on the twelfth Monday after the fourth Monday in August, and continue two weeks each time. Chambers.

9. In the county of Randolph, on the eighth Monday after the fourth Monday in March and on the fourteenth Monday after the fourth Monday in August, and continue one week. Randolph.

*In the Sixth Circuit—*

1. In the county of Winston, on the second Monday in February and August, and continue one week. 6th circuit.  
Winston.

2. In the county of Walker, on the third Monday in February and August, and continue two weeks. Walker.

3. In the county of Fayette, on the first Monday after the fourth Monday in February and August, and continue two weeks. Fayette.

4. In the county of Lamar, on the third Monday after the fourth Monday in February and August, and continue two weeks. Lamar.

5. In the county of Sumter, on the fifth Monday after the fourth Monday in February and August, and continue two weeks. Sumter.

6. In the county of Greene, on the seventh Monday after the fourth Monday in February and August, and continue two weeks. Greene.

7. In the county of Pickens, on the ninth Monday Pickens.

after the fourth Monday in February and August, and continue two weeks.

Tuscaloosa.

8. In the county of Tuscaloosa, on the eleventh Monday after the fourth Monday in February and August, and continue until the business is disposed of.

7th circuit

*In the Seventh Circuit—*

Talladega.

1. In the county of Talladega, on the fourth Monday in January and July, and continue four weeks.

Calhoun.

2. In the county of Calhoun, on the fourth Monday after the fourth Monday in January and July, and continue three weeks.

Cleburne.

3. In the county of Cleburne, on the seventh Monday after the fourth Monday in January and July, and continue two weeks.

Clay.

4. In the county of Clay, on the ninth Monday after the fourth Monday in January and July, and continue two weeks.

Shelby.

5. In the county of Shelby, on the eleventh Monday after the fourth Monday in January and July, and continue two weeks.

St. Clair.

6. In the county of St. Clair, on the thirteenth Monday after the fourth Monday in January and July, and continue two weeks.

Jefferson.

7. In the county of Jefferson, on the fifteenth Monday after the fourth Monday in January and July, and continue until the business is disposed of.

8th circuit.

*In the Eighth Circuit—*

Lauderdale.

1. In the county of Lauderdale, on the first Monday in March and September, and continue two weeks.

Colbert.

2. In the county of Colbert, on the third Monday in March and September, and continue two weeks.

Franklin.

3. In the county of Franklin, on the first Monday after the fourth Monday in March and September, and continue one week.

Marion.

4. In the county of Marion, on the second Monday after the fourth Monday in March and September, and continue one week.

Lawrence.

5. In the county of Lawrence, on the third Monday after the fourth Monday in March and September, and continue two weeks.

Morgan.

6. In the county of Morgan, on the fifth Monday after the fourth Monday in March and September, and continue one week.

Cullman.

7. In the county of Cullman on the sixth Monday

after the fourth Monday in March and continue one week, and on the sixth Monday after the fourth Monday in September, and continue two weeks.

8. In the county of Limestone on the seventh Monday after the fourth Monday in March and on the eighth Monday after the fourth Monday in September, and continue two weeks. Limestone.

9. In the county of Madison on the second Monday in January and on the twelfth Monday after the fourth Monday in March, and continue four weeks; the criminal docket to be taken up on the third Monday of the term of the court. Madison

*In the Ninth Circuit—*

1. In the county of Cherokee on the first Monday in January and July and continue three weeks. 9th circuit.  
Cherokee.

2. In the county of DeKalb on the fourth Monday in January and July, and continue two weeks. DeKalb.

3. In the county of Jackson on the second Monday after the fourth Monday in January and July, and continue three weeks. Jackson.

4. In the county of Marshall on the fifth Monday after the fourth Monday in January and July, and continue two weeks. Marshall.

5. In the county of Blount on the seventh Monday after the fourth Monday in January and July, and continue two weeks. Blount.

6. In the county of Etowah on the ninth Monday after the fourth Monday in January and July, and continue four weeks. Etowah.

SEC. 4. *Be it further enacted*, That the criminal dockets for said courts unless otherwise expressly provided by law shall be taken up, when the term of the court is for two weeks, on the second Monday of the term, and where the term of the court is for three weeks or more, on the third Monday of the term. Criminal docket; when taken up.

SEC. 5. *Be it further enacted*, That the courts of said circuits shall not be open before noon of the first Monday of each term thereof. Time of opening court.

SEC. 6. *Be it further enacted*, That all laws and parts of laws of a general or special character inconsistent with the provisions of this act, be and the same are hereby repealed, from and after the date when this act shall take effect. Repeal of conflicting laws.

Approved February 17, 1885.

No. 92.]

AN ACT

[H. B. 453.]

To control and regulate the use of the ship channel from the upper or northern end of the port of Mobile, to the outer bar of the bay of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners of pilotage of the port and harbor of Mobile, and a majority of them shall have the general supervision and direction of the navigation of the ship channel from the upper or northern end of the port of Mobile to the outer bar of the bay of Mobile.

Commissioners of pilotage to have supervision of ship channel, Mobile.

SEC. 2. *Be it further enacted,* That any person or persons who may make any vessel, boat or water craft of any description, or any raft or collection of logs, lumber or timber, fast to any beacon or light stake or piling which may be in any way of any use or benefit in making use of the dredged channel in the bay of Mobile, shall be liable to indictment in the City Court of Mobile, or Circuit Court of Mobile county, or any other court of competent jurisdiction, and on conviction shall be fined not exceeding five hundred dollars, and may also, at the discretion of the court, be confined in the county jail for a period not exceeding six months.

Penalty for obstructing channel.

SEC. 3. *Be it further enacted,* That if any person or persons shall knowingly, or wilfully, cause or be concerned in causing any damage or injury to any part of the dredged channel as it now exists or may hereafter exist at any point or points between the upper or northern limits of the port of Mobile, and the lower part of the bay of Mobile, or to any beacon light, stake, piling, or other matter or thing which is or may be used, or intended to be used in connection with such dredged channel for the better navigation of the same, such person or persons shall be liable to indictment in the City Court of Mobile, or Circuit Court of Mobile county, or any other court of competent jurisdiction, and on conviction shall be fined not exceeding ten thousand dollars, and may also, at the discretion of the court, be imprisoned at hard labor in the penitentiary for a period of not exceeding twenty years.

Continued.

SEC. 4. *Be it further enacted,* That if any person or persons shall at any time cause, or be concerned in caus-

ing, any damage or injury to any part of the same dredged channel as it now exists, or may hereafter exist, any where between the upper or northern limits of the port of Mobile and the lower part of the bay of Mobile, or to any beacon, light stake, or piling or other matter or thing, which is or may be in use in connection with such dredged channel, for greater convenience in navigating the same, such person or persons shall be required by the harbor master of the port of Mobile to replace and repair all such damage; and in the event of failing to do so, within ten days after notice from said harbor master, shall forfeit the sum of five hundred dollars for every such case of damage, to be recovered with costs, in any court of competent jurisdiction, at the suit of the harbor master or informer, the recovery in such case to be applied, under the direction of the harbor master, first to repairing all the damage done by the defendant, and the surplus, if any, to go to the informers.

Harbor master to cause damage to be repaired or replaced at his or their expense.

Otherwise, forfeiture.

SEC. 5. *Be it further enacted*, That the board of commissioners of pilotage of the port and harbor of Mobile, consisting of the harbor master and port wardens of the said port and harbor, or a majority of them, shall have power, and it shall be their duty, from time to time and at all times, to prescribe rules and regulations under which the said dredged channel between the upper limits of the port of Mobile and the outer bar of the bay or harbor of Mobile shall be navigated and made use of. The said commissioners of pilotage (a majority of them having power to act) shall have power and authority to establish rules and regulations, by which the harbor master may grant permits to vessels going in or coming out of the dredged channel aforesaid, and without which permit no vessel, drawing more than twelve feet of water shall be permitted in said dredged channel. Any master or person in charge of any vessel drawing more than twelve feet of water which may enter into the said dredged channel without a permit from the harbor master, or in violation of the rules and regulations of said commissioners of pilotage, shall be liable to indictment in the City Court of Mobile, or Circuit Court of Mobile county, or any other court of competent jurisdiction, and on conviction shall be fined in the sum of not exceeding ten thousand dollars, and may at the discretion of the court

Board of commissioners of pilotage.

Their duties.

Harbor master may grant permits to vessels drawing more than 12 feet.

be also imprisoned at hard labor in the penitentiary for not exceeding ten years.

Approved February 17, 1885.

No. 93.]

AN ACT

[H. B. 458.

To authorize the Governor in his discretion to issue arms and equipments to chartered institutions of learning in this State which have or may hereafter adopt a military system.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That the Governor may in his discretion issue such number of the public arms and equipments, received from the United States, to chartered institutions of learning in this State, which have adopted or may hereafter adopt a military system, as he deems best, and upon such terms and conditions as he deems advisable; *Provided*, no arms or equipments shall be issued unless satisfactory bond with sureties is given for the preservation, safe keeping and return of the arms or equipments when called for by the Governor.

Approved February 17, 1885.

No. 94.]

AN ACT

[H. B. 460.

To amend section 2 of an act entitled an act to prevent cruelty to animals, approved February 23, 1883.

**Amendment.** *Be it enacted by the General Assembly of Alabama,* That section 2 of an act entitled an act to prevent cruelty to animals, approved February 23, 1883, be amended so as to read as follows:

**Cruelty to animals.** § 2. That it shall be the duty of any officer of the law, county or municipal, and it shall be lawful for any other person to arrest and take before a justice of the peace, any person violating the provisions of this act and shall upon the conviction of the person arrested, be entitled to the sum of two dollars, which shall be taxed as a part of the costs, and any officer herein named, failing or

neglecting to arrest such offender, shall be liable to a fine of not less than ten dollars for each and every offense; and for every conviction under this act the solicitor shall be entitled to a fee of fifteen dollars.

Approved February 17, 1885.

No. 95.]

AN ACT

[H. B. 461.

For the relief of soldiers maimed or disabled during the late war.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any resident of this State who, while in the military service of this State, or of the Confederate States, lost an arm or a leg, or who received such wound in such service as renders him physically incapable of making a livelihood by labor, or who lost the use of an arm or leg while in such service, shall be entitled to the benefits of this act as hereinafter provided; and any such resident who desires to avail himself of the provisions of this act must within six months after its passage present a written application to the judge of probate of the county wherein he may reside, that he was a resident of the State at the time of the passage of this act, and is a resident at the time he makes such application, setting forth the company and the regiment, or command, to which at the time of such service, he belonged; the time and place of receiving his wound, and character of such wound, and his present business and employment, which statement must be sworn to before such judge of probate; the original of which said application shall be kept by the judge of probate as an office paper, and a copy thereof transmitted, without delay to the auditor with a certificate by the judge of probate, that he believes the statement therein made entitled to credit, if such probate judge believes such statement to be true.

Relief for disabled soldiers.

Application.

Probate judge certifies to auditor.

SEC. 2. *Be it further enacted*, That on the receipt of any such copy and certificate as aforesaid, it shall be the duty of the auditor to register immediately a synopsis of the same, with the name of the applicant in a book to be kept for that purpose; and at the expiration of seven months after the passage of this act the amount hereinafter ap-

Duty of auditor on receipt of certified copy.

appropriated must be divided *pro rata* among the claimants, and the auditor must draw separate warrants on the treasurer payable to the order of such applicant for a sum not to exceed in amount, fifty dollars for each applicant, which sum it shall be the duty of the auditor to transmit to the probate judge of the county in which the applicant resides; *Provided*, that should any surplus remain after carrying out the provisions of this act it shall be returned to the treasurer.

Pen'ity for false swearing.

SEC. 3. *Be it further enacted*, That any applicant under this act, who shall swear falsely to any material matter set forth in his application shall be guilty of perjury.

Appropriation.

SEC. 4. *Be it further enacted*, That to carry out the provisions of this act there is hereby appropriated the sum of twenty-five thousand dollars; *Provided*, the provisions of this act shall not apply to any soldier who owns in his own name, or whose wife owns two thousand dollars worth of property, after deducting the amount of all encumbrances thereon.

Probate judge making a false certificate guilty of misdemeanor.

SEC. 5. *Be it further enacted*, That any probate judge who shall knowingly make a false certificate under the provisions of this act, shall be guilty of a misdemeanor and on conviction be fined not more than one thousand dollars; *Provided*, that fifteen hundred dollars of the said appropriation be distributed among Confederate soldiers who lost their sight in the service of the Confederacy or of this State, or who lost their sight since from the effects of wounds received in said services.

Approved February 17, 1885.

No. 96.]

AN ACT

[H. B. 521.]

To increase the facilities for instruction and for the treatment of the pupils of the Alabama Institute, for the Deaf and Dumb and Blind.

Employment of teacher for the deaf, dumb and blind.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the board of commissioners of the Alabama institute for the deaf and dumb and blind to employ a competent teacher of articulation in said institute, whose duty it shall be to teach orally, such pupils as may be beneficially taught by this

method, and who may be placed under his or her instruction.

SEC. 2. *Be it further enacted*, That it shall be the duty of said board of commissioners, to provide all suitable apparatus, and appliances necessary for the successful carrying out of the provisions of the foregoing section. Apparatus to be provided.

SEC. 3. *Be it further enacted*, That the board of commissioners of said institute are hereby empowered and instructed to appoint an oculist whose duty it shall be to visit the institution as often as in the judgment of the commissioners may be necessary and examine and operate upon the eyes of such of the pupils as in his judgment may be benefited thereby. Board empowered to employ oculist. His duty.

SEC. 4. *Be it further enacted*, That to carry out the provisions of the foregoing sections and to provide for the support and maintenance of the said institution the sum of three thousand dollars (\$3,000) per annum in addition to the sum of fifteen thousand dollars (\$15,000) now annually appropriated out of any moneys in the treasury, not otherwise appropriated, be held subject to such needs. Appropriation.

Approved February 17, 1885.

No. 97.]

AN ACT

[H. B. 525.

To prevent the violation or evasion of prohibitory laws, and of the laws requiring license to sell spirituous, vinous or malt liquors.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who shall conceal himself in any house, room, booth, enclosure or other place, and shall sell, give away or otherwise dispose of spirituous, vinous or malt liquors, or intoxicating beverage, in violation or evasion of law, or who shall, by any device or subterfuge, sell, give away or otherwise dispose of, any spirituous, vinous or malt liquors, or intoxicating beverage, in violation or evasion of law, shall be guilty of a misdemeanor, and, on conviction, shall be fined for each offense, not less than two hundred and fifty dollars and not more than one thousand dollars, and may also be imprisoned in Violation of prohibition laws. Penalty.

the county jail, or sentenced to hard labor for the county for not more than twelve months.

SEC. 2. *Be it further enacted*, That any person who being the owner or possessor, or who has the control of any house, room, or booth, enclosure or other place, who knowingly permits any person to conceal himself in such house, room, booth, enclosure or other place, and sell, give away or otherwise dispose of, spirituous, vinous or malt liquors or intoxicating beverage, in violation or evasion of law, or who knowingly permits any person to use any device or subterfuge in such house, room, booth, enclosure or other place, for selling, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, or intoxicating beverage, in violation or evasion of law, shall be deemed guilty of a misdemeanor, and, on conviction, for each offense, must be fined not less than fifty nor more than one thousand dollars, and may also be imprisoned in the county jail or sentenced for hard labor for the county for not more than twelve months.

SEC. 3. *Be it further enacted*, That when any person shall violate the provisions of section one of this act, and shall so conceal himself that he is not known, and if any person shall make complaint on oath before a justice of the peace, or judge of the county court, that spirituous, vinous, or malt liquors or intoxicating beverage, has been sold, given away or otherwise disposed of, in violation or evasion of law, and that such person so committing such offense, conceals himself in such house, room, booth, enclosure or other place, or is using such device or subterfuge in such named place in selling, giving away or otherwise disposing of such liquors or beverage, and that such person is unknown to the person making the affidavit or complaint, it shall be the duty of such justice of the peace or judge of the county court to issue at once a warrant for such unknown person as stated in the complaint, and immediately place such warrant in the hands of a constable or sheriff, who shall proceed at once to the place where such violation of law is alleged to have occurred, and arrest all persons in such house, room, booth, enclosure or other place, and if such constable or sheriff shall be refused admittance, then such constable or sheriff shall proceed to force an entrance and break in the door or other part of such place necessary for the same, and arrest all persons found in such house, room, booth, en-

Penalty of party owning property where it is disposed of.

Duty of justice of peace when vendor is unknown.

All persons found on premises.

closure or other place, and carry them before the officer before whom such warrant is returnable, and such proceedings shall be had on the trial of such cause as if such warrant contained the name of each person so arrested.

SEC. 4. *Be it further enacted*, That when any person shall lease, rent or otherwise obtain possession of, any house, room, booth, enclosure or other place, and who shall use the same or permit it to be used in violation of this act, such lease or rent shall be forfeited at once, and the right of possession shall vest at once in the owner or person entitled to the control before such lease or rent or possession. Forfeiture of rent or lease.

SEC. 5. *Be it further enacted*, That in the trial of any person for violation of this act, it shall be no defense, that such person had leased, rented or surrendered possession of it to another. No excuse for violation.

SEC. 6. *Be it further enacted*, That for each conviction under the provisions of this act, the solicitor shall be entitled to a fee of thirty dollars. Solicitors' fees.

SEC. 7. *Be it further enacted*, That this act shall go into effect immediately after the passage of this act.

Approved February 17, 1885.

No. 98.]

AN ACT

[H. B. 561.

To amend section 2775 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2775 of the code of Alabama be amended so as to read as follows: Amendment.

§ 2775. *Lease of Real Estate*.—The probate court shall have authority upon the application of the guardian of any ward owning real estate to grant an order for the leasing of such real estate for a term of years, but no such lease shall be made for a longer term than ten (10) years; and the court may order such leasing to be made either publicly or privately and the guardian shall report his action to the court within thirty days after making such lease, and if upon the consideration of such report it shall appear that such leasing is advantageous to the interest of the ward the same shall be confirmed. Upon the hear-

Probate judge to grant order to guardian to lease real estate of ward.

Guardian ad  
litem.

ing of the application to lease and of the report, the interest of the ward shall be protected by a guardian *ad litem*. No lease made under this section if the ward is a minor shall extend beyond the time when the minor shall attain majority. And without an order of court the guardian may lease the lands of his ward for one year privately where the interest of the estate requires it, and he must report such leasing to the court within sixty days thereafter.

Approved February 17, 1885.

No. 99.]

AN ACT

[H. B. 590.

To amend sections 1258, 1259 and 1260 of the Code of Alabama.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1259 of the Code of Alabama be amended so as to read as follows :

Appropriation  
for Huntsville  
colored school.

*Appropriation for school.*—There is appropriated out of the general school revenue set apart to the colored children the sum of four thousand dollars annually for the maintenance and support of the school, and the apportionment of the general fund for the colored race shall be made to the different counties of the State after the deduction of the sum of four thousand dollars herein appropriated for the school at Huntsville; *Provided*, this act shall not go into effect until the 1st day of September, 1885.

Takes effect.

Name changed

SEC. 2. *Be it further enacted*, That the name of said normal school be changed so as to be called and known as "*The Huntsville State Colored Normal and Industrial School*," and that Stephen Johnson who is one of the board of commissioners of said school as now constituted, shall be and he is hereby relieved and removed from further duties as such, and that S. J. Mayhew be and he hereby is substituted as one of said board of commissioners in the place and stead of said Johnson.

Approved February 17, 1885.

No. 100.]

AN ACT

[H. B. 621.]

To authorize the governor to offer a reward for the apprehension, arrest and delivery of Isaac H. Vincent, late State treasurer.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the governor be and he is hereby authorized to issue his proclamation, offering a reward of not exceeding five thousand dollars, for the apprehension, arrest and delivery to the proper authorities of this State, Isaac H. Vincent, late State treasurer. Governor to offer reward for arrest of I. H. Vincent.

SEC. 2. *Be it further enacted*, That the governor be authorized in the event of said Vincent's arrest, in a foreign country, to pay the necessary expenses of extradition; *Provided*, that said expenses shall not exceed the sum of one thousand dollars. If arrested in foreign country to pay expenses.

SEC. 3. *Be it further enacted*, That said expenses of extradition and said reward in the contingency in this act contemplated, shall be paid out of any moneys in the treasury, not otherwise appropriated, on the approval of the governor. How paid.

Approved February 17, 1885.

No. 101.]

AN ACT

[H. B. 681.]

To authorize the mayor and aldermen of Birmingham to condemn and purchase the right of way for the extension of the sanitary sewers within and beyond the corporate limits of Birmingham, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever the mayor and aldermen of Birmingham shall determine that the health of the city requires the extension of the sanitary sewers of the city within or beyond the corporate limits of said city, and it becomes necessary for such sewers to run across private property, and the corporate authorities cannot agree with the owners of such private property for the purchase of the right of way for such sewers across, in or under such private property, or if the owner or owners thereof be incapable of selling or conveying by reason of Authority to extend sewerage.

Right to condemn.

Damages assessed by jury.

On payment of amount, may proceed.

Penalty for obstructing.

Fees of clerk and sheriff.

infancy or other disability, the said corporate authorities shall have the right to build, construct and extend such sanitary sewers within or beyond the corporate limits through, in or under private property, paying to the owner such damage, if any, as may thereby be done to said private property; and for the purpose of ascertaining such damage the mayor and aldermen of Birmingham may proceed by writ of *ad quod damnum* as now provided by law in such cases, except that the jury shall consist of five free-holders of Jefferson county, Alabama, not inhabitants of Birmingham, and such jurors shall each be entitled to only one dollar and fifty cents per diem while serving. The judge of probate for his services shall be entitled to only five dollars and the sheriff to only three dollars for his services in such proceedings.

SEC. 2. *Be it further enacted*, That upon the payment by the mayor and aldermen of Birmingham of the amount assessed by the jury, or agreed on by the parties, to the party or parties entitled thereto, the jurisdiction of said mayor and aldermen of Birmingham shall be extended over said right of way acquired either by purchase or condemnation, for sanitary purposes, under the provisions of this act, to build and construct such sewer, keep it in good order and condition, and to prevent injury to the same. And any person obstructing, injuring or interfering with such sewer shall be subject to indictment by the grand jury of said county and be fined for each such offense not less than fifty nor more than five hundred dollars.

SEC. 3. *Be it further enacted*, That the same proceedings herein authorized to be had in the Probate Court may be had in the City Court of Birmingham as now provided by section 3598 for such proceedings in the Circuit Court, and in such case the clerk of the City Court of Birmingham and the sheriff shall each be entitled to only three dollars for their respective services in such proceedings.

Approved February 17, 1885.

No. 102.]

AN ACT

[H. B. 687.]

To make an appropriation for the support of the Alabama State troops for the fiscal years 1884-5 and 1885-6.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of fifteen thousand dollars (or seven thousand and five hundred dollars for each fiscal year from September 30, 1884, to September 30, 1886,) for the two fiscal years ending September 30, 1886, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying the expense of such encampments of State troops for the purpose of instruction and discipline, as may be ordered, and for defraying the expenses which each active and uniformed company bears in providing drill rooms, and safe keeping of arms and ammunition, and other necessary expenses of such organizations. Appropriation  
for state troops

SEC. 2. *Be it further enacted,* That all sums paid out under this act shall be certified, sworn to, and paid in the manner now provided by law for the payment of such expenses. Certificate of  
payment.

Approved February 17, 1885.

No. 103.]

AN ACT

[H. B. 773.]

To prevent the cutting loose or taking up of any floating logs or timber in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person who cuts loose and sets adrift any logs or timber fastened to the banks of any streams which are public highways in this State, without authority of the owner, and any person who runs or floats any logs or timber belonging to another person and without authority from such owner into any creek, bayou, lagoon, or lake, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars, nor more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for a time not to exceed one year. Pen'ity for cut-  
ting loose or  
taking up float-  
ing logs, tim-  
ber, &c.

**SEC. 2.** *Be it further enacted,* That any person taking up any floating log or timber, who sells or disposes thereof without the consent of the owner or his agent, and without such property being sold pursuant to chapter 3, part 2, title 7 of the Code of Alabama, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for a time not to exceed one year.

Approved February 17, 1885.

No. 104.]

AN ACT

[H. B. 864.

To regulate the compensation of sheriffs for the removal of prisoners.

**Sheriffs' compensation for removal of prisoners.** **SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That for removing prisoners under order of a circuit, city or probate judge, acting as the judge of the county court, or judge of any criminal court having jurisdiction, upon removal of trial, or when arrested and confined in jail in a county other than that in which he is triable, the sheriff shall receive for every twenty miles of the distance between the places from and to which the removal is made, computed at the shortest distance between the two places by any route usually traveled, two and a half dollars for himself, two dollars for each guard, and one dollar and twenty-five cents for the prisoner.

**How and by whom paid.** **SEC. 2.** *Be it further enacted,* That the fees herein provided shall be paid by the State, and if the defendant shall be convicted it shall be the duty of the clerk of the circuit, city, or county court in which he is tried, to tax the costs against him and issue execution immediately upon the adjournment of said court therefor, and hand the same to the sheriff of his county, whose duty it shall be to collect the same under the penalties now provided by law for the failure of sheriffs to collect money under other executions; and when collected he shall pay the same to the treasurer of the State, or failing to do so for ninety days after its collection he shall be guilty of a misdemeanor, and on conviction shall be fined not less

than fifty nor more than five hundred dollars; *Provided*, that no allowance be made for any guard hereinafter mentioned, unless the circuit or city or probate judge, acting as county judge or judge of any criminal court having jurisdiction, making the order of removal, shall set forth in such order, that upon investigation he believes such guard to be necessary, and such order shall also designate the number of such guards allowed, and in no case to exceed two for each prisoner; *Provided further*, That the State shall not pay said fees unless the sheriff applying therefor file with his application the certificate of the clerk of said court that said fees have been reported to and docketed by said clerk in his office.

No allowance for guard unless by special instructions.

Sheriff to file application for fees.

SEC. 3. *Be it further enacted*, That when sheriffs have already performed the duties for which this act provides compensation, they shall be paid therefor out of any moneys already appropriated for the payment of sheriffs for the removal of prisoners.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be, and the same are hereby repealed.

Repeal of conflicting laws.

Approved February 17, 1885.

No. 105.]

AN ACT

[H. B. 881.

To authorize the State treasurer to dispose of certain uncurrent funds now in the treasury.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the State treasurer be and is hereby authorized to ship by express to any mint of the United States all uncurrent coin now in the State treasury and to exchange the same for legal coin of the United States upon such terms as are prescribed by law for such exchange, and upon the return of the proceeds to the treasurer the State auditor is hereby directed to draw a warrant on treasury in favor of the State treasurer to cover the difference in value and expense of exchange and conversion.

Treasurer to dispose of uncurrent funds; how.

SEC. 2. *Be it further enacted*, That the State treasurer be and is hereby authorized and empowered to send to the treasurer of the United States all United States

Treasury notes or National Bank notes in the State treasury, the genuineness of which is doubted, and submit the same to examination and determination of the proper officials of the treasury department, and in the event said bills or any one of them shall be pronounced by said treasury official as counterfeit, then, and in that event, the auditor of the State of Alabama shall draw his warrant on the treasurer for the amount of said bill or bills and the treasurer shall credit himself for the amount of said bill or bills so declared to be counterfeit.

Approved February 17, 1885.

No. 106.]

AN ACT

[H. B. 894.

To amend an act entitled an act to establish a department of agriculture for the State of Alabama, approved February 23d, 1883.

Amendment. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to establish a department of agriculture for the State of Alabama, approved February 23d, 1883, be amended so as to read as follows: An act to establish a department of agriculture for the State of Alabama, and to provide for the support of the same.

Establishment of department of agriculture. SECTION 2. *Be it enacted by the General Assembly of Alabama,* That a department of agriculture is hereby created and established for the State of Alabama which shall be under the management and control of the commissioner of agriculture who shall be a practical and experienced agriculturist. Said commissioner shall be appointed by the governor, and shall hold his office for the term of two years, and until his successor is appointed and qualified. He shall be paid a salary of twenty-one hundred dollars (\$2,100) per annum, payable monthly, and shall give bonds with sureties, conditioned for the faithful discharge of the duties of his office in the sum of \$5,000, to be approved by the governor. He shall appoint two clerks to assist him in the discharge of the duties of his office, one of whom to be styled the chief clerk of the department. They shall take and subscribe before some competent officer an oath faithfully to dis-

Commissioner appointed by governor.

Salary.

Bond.

Clerks.

charge all the duties which may be required of them in pursuance of this act, and shall give bond, the chief clerk in the sum of five thousand dollars; the assistant clerk in the sum of three thousand dollars, payable to the commissioner of agriculture and his successors in office, to be approved by the commissioner and the governor, for the faithful performance of their respective duties. Said oath and bonds, together with the bond of the commissioner, to be filed in the office of the State auditor.

Bonds.

#### DUTIES OF CLERKS AND THEIR SALARIES.

SEC. 3. *Be it further enacted*, That it shall be the duty of the chief clerk to take charge of the "Fertilizer Tags" of the department, to furnish same to dealers and to make such reports as may be required by the commissioner of agriculture. To collect the fertilizer tax and pay over to the State treasurer on the first day of each month all moneys collected for or on account of the department during the month preceding, and to perform such other services, together with the assistant clerk, incident to their offices, as may be required by the commissioner of agriculture either about the department or at any point in the State. Their traveling expenses when in the discharge of official duties to be a charge against the department fund. The chief clerk to receive a salary of fifteen hundred dollars per annum, and the assistant clerk twelve hundred dollars per annum, payable monthly, upon the certificate of the commissioner, that the services required have been performed, and that the amount claimed is due. They shall hold their appointments at the pleasure of the commissioner of agriculture during his term of office unless otherwise removed according to law.

Duty of chief clerk.

Traveling expenses.

Salary.

#### DUTIES OF COMMISSIONER.

SEC. 4. *Be it further enacted*. 1. He shall encourage the proper development of agriculture, horticulture and kindred industries in this State, by every means within his power.

Duties of commissioner.

2. He shall encourage the organization of beat and county agricultural clubs and associations and out of these the organization of a State agricultural association.

3. He shall collect and publish statistics and such other information in regard to the industries of this State, and of other States, as may be of benefit in developing the agricultural resources of this State. To this end he shall put himself in communication and shall co-operate with the departments of agriculture in adjacent States and with the commissioner of agriculture at Washington, and shall provide for the proper and careful distribution of all seeds, plants, documents and information coming into his possession on account of the department and (the commissioner may also purchase seeds for distribution) that may be of interest and benefit to the people of the State.

4. He shall cause to be investigated the diseases of grain, fruits and other crops of this State, and remedies for said diseases, and also the habits and propagation of the various insects that are injurious to the crops of this State, and the proper mode of their destruction.

Investigate the diseases, &c. of fruits, grain, &c.

5. He shall investigate the subject of grasses and report upon their value and cultivation of varieties best adapted to the different sections of this State, and mode of preserving the same.

6. He shall inquire into all matters connected with the dairy that he may deem of interest to the people of this State, and in this connection the raising of stock and poultry; the obtaining of those of the most value and the breeding and propagation of the same; and shall encourage the raising of fish, and the culture of bees in this State.

7. He shall give attention to the subject of fencing, the reduction of cost of same, and shall investigate the subject of subsoil, drainage and the best modes of effecting it, and irrigation, and what portion of the State can be most benefited thereby.

8. It shall also be his duty to investigate and report upon the culture of wool and the utility and profits of sheep raising in this State; also the culture of silk and its manufacture and preparation for market.

9. He shall cause the proper collection of agricultural statistics, and to this end shall furnish blank forms to the tax assessor or other county official of each county in this State, every year and it is made the special duty of the tax assessor or other officer, to collect such information

Agricultural statistics; form.

as may be desired and report the same without delay to the commissioner.

10. He shall appoint county correspondents who will report to him from time to time as may be desired. County correspondents.

11. He shall prepare and keep in his office books of registry, wherein any person may have entered, upon payment of a registry fee of one dollar for each tract or lot, any real estate for sale, with terms, and file in his office any plats, or descriptive papers desired, and such books shall be open to inspection of all persons, free of charge. He shall also obtain from the auditor and keep in his office, the registry of the land which may be held by the State for sale for non-payment of taxes, or for other cause, with their value and the nature characteristics of the sale. Book of registry, fees, &c.

12. He shall collect specimens of wood, suitable for manufacturing and other purposes, and specimens of agricultural, mineral, phosphate and marl deposits of the State, and cause correct analysis of such as may be deemed expedient to be made and recorded in a substantial book to be kept for this purpose. Specimens of woods, &c.

13. He shall also, as soon as practicable, prepare a convenient hand-book, with the necessary illustrative maps, which shall contain all necessary information as to the mines, minerals, forests, soils and other products, climate, water and water powers; fisheries, mountains, streams, industries and all such statistics as are best adapted to give proper information of the attractions and advantages which the State affords to immigrants, and shall make illustrative exposition thereof, whenever practicable, at international or State expositions. Hand books, with maps.

14. He shall further aid immigration by publishing each year such information to the agricultural, mineral and other industries and resources of this State as shall be of interest to those seeking homes in the State of Alabama. Immigration encouraged.

SEC. 5. *Be it further enacted*, That to facilitate the collection of the necessary information for publication, it shall be the duty of the State Geologist on application, to furnish the commissioner of agriculture all the information he may have, with reference to the mineral, agricultural and other natural resources of the State, together with the analysis of soils, ores, marls, minerals and mineral waters, and with maps, charts, drawings and speci- Duty of State geologist in aiding.

mens illustrative of the geological, agricultural and mineral features of the State.

Commissioner to issue & distribute circulars  
 SEC. 6. *Be it further enacted*, That it shall be the duty of the commissioner of agriculture at the opening of each season, to issue and distribute circulars setting forth the brands of fertilizers sold in this State, their analysis as claimed by manufacturers, and their relative, and if known, their real commercial value.

Fertilizers to be submitted to him.  
 SEC. 7. *Be it further enacted*, That it shall be the duty of any manufacturer of or dealer in commercial fertilizers, before the same are offered for sale in this State, to submit to the commissioner of agriculture a written or printed statement setting forth :

1. The name and brand under which said fertilizer is to be sold, the number of pounds contained in the package in which it is to be put upon the market, the name or names of the manufacturers and the place of manufacturing.

2. A statement setting forth the amount of the named ingredients which they are willing to guarantee said fertilizers to contain : 1st, nitrogen ; 2d, water soluble phosphoric acid ; 3d, citrate soluble phosphoric acid ; 4th, acid soluble phosphoric acid ; 5th, potash ; and said statement shall be held to constitute a guarantee to the purchaser that every package of such fertilizer contains not less than the amount of each ingredient set forth in the statement, and when such statement sets forth the maximum and the minimum of any ingredient the commercial value shall be estimated upon the minimum alone. But this shall not preclude the party from setting forth any other ingredients which his fertilizer may contain, which as well as the preceding shall be embraced in the guarantee.

Pen'ly to dealers in fertilizers  
 SEC. 8. *Be it further enacted*, That any person who shall sell or offer for sale in this State any lot or package of commercial fertilizer without first complying with the provisions of this and the preceding section shall be guilty of a misdemeanor and on conviction thereof shall be fined not exceeding five hundred dollars for each offense.

Tags prepared.  
 SEC. 9. *Be it further enacted*, That it shall be the duty of the commissioner of agriculture to cause to be prepared tags of suitable material with proper fastenings for attaching the same to packages of fertilizers, and there shall be printed thereon the word "guaranteed,"

with the year or season in which they are to be used and a fac simile of the signature of said commissioner; and said tags shall be furnished by him to any dealer in or manufacturer of commercial fertilizers who shall have complied with section 7 of this act upon the payment of such dealers and manufacturers to the said commissioner fifty cents for a sufficient number thereof to tag a ton of such commercial fertilizers.

SEC. 10. *Be it further enacted*, That it shall be the duty of every person before offering for sale any commercial fertilizer in this State to attach or cause to be attached to each bag, barrel or package thereof one of the tags hereinbefore described, and any person who shall sell or offer for sale any package of commercial fertilizer which has not been tagged shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of fifty dollars for each offense. Tags to be attached to packages.

SEC. 11. *Be it further enacted*, That it shall be the duty of every person who sells any lot or package of commercial fertilizers, upon the request of the purchaser to draw from the same in the presence of such purchaser or his agent a fair and correct sample in such manner as the commissioner of agriculture may by regulation establish. Samples.

SEC. 12. *Be it further enacted*, That all fertilizers or chemicals for manufacturing or composting the same offered for sale or distribution in this State shall have branded upon or attached to each bag, barrel or package, in such manner as the commissioner of agriculture may by regulation establish, the true analysis of such fertilizer or chemical as claimed by the manufacturer showing the percentage of valuable elements or ingredients such fertilizers or chemicals contained, and in every case the brand must specifically set forth percentage contained in the fertilizers of the several ingredients specified in section 7 in the terms of that section. To be properly branded.

SEC. 13. *Be it further enacted*, That the commissioner of agriculture may obtain or cause to be obtained at his discretion a fair sample of all fertilizers sold or offered for sale in this State, from manufacturers or dealers who are willing to allow him to take samples, and shall have them analyzed by the State chemist, and shall publish the analysis for the information of the public. Analyzed.

SEC. 15. *Be it further enacted*, That the copy of the official analysis of any fertilizer or chemical under seal of

the department of agriculture shall be admissible as evidence in any of the courts of this State in the trial of any issue involving the merits of said fertilizer.

Penalty for fraud.

SEC. 16. *Be it further enacted*, That any manufacturer, agent or dealer in commercial fertilizers, who shall (*with intent*) practice fraud in the manufacture, preparation or sale of any chemicals or fertilizers in this State, shall be guilty of a misdemeanor and on conviction shall be fined one hundred dollars for each ton of such chemicals or fertilizers manufactured, manipulated, sold, or offered for sale in this State.

Commissioner to make rules and regulations

SEC. 17. *Be it further enacted*, That the commissioner of agriculture shall have power to prescribe and enforce such rules and regulations (not inconsistent with the laws of this State) as he may deem necessary to carry fully into effect the true intent of this act.

Disposition of fund from sale of tags.

SEC. 18. *Be it further enacted*, That all moneys arising from sale of tags, from fines and fees, for registration, for lands for sale, not herein otherwise provided for, shall be paid into the State treasury and shall be kept on a separate account by the treasurer as a fund for the exclusive use and benefit of the department of agriculture.

Chief clerk to keep account of tags sold.

SEC. 19. That it shall be the duty of the chief clerk of the department to keep a correct account of all tags received and sold by him, showing the number sold, to whom sold, and, as far as practicable, for what fertilizers they were intended to be used, and the amount of money collected therefor; and all other moneys coming into his hands, belonging to the department, and amount paid into the treasury of the State each month.

Penalty for counterfeiting tags.

SEC. 20. *Be it further enacted*, That any person who shall counterfeit or use a counterfeit of the tag prescribed by this act, or who shall use one of these tags the second time shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the sum of one hundred dollars, one-half of which shall be paid to the informer.

Experimental farm; how provided for.

SEC. 21. *Be it further enacted*, That for the purpose of establishing an experimental farm or station, one-third of the net proceeds annually accruing from the sale of tags, as hereinbefore provided, shall be paid to the treasurer of the Agricultural and Mechanical College on the approval of the governor, to be disbursed under the direction of the board of trustees of said institution, for the development of the agricultural and mechanical de-

partment of said college; *Provided*, the trustees of said college shall cause to be made at such college all analyses of fertilizers that may be required under the provisions of this act, as well as such other analysis as the commissioner of agriculture may deem advisable without any charge therefor; *and provided further*, that the trustees shall establish and maintain an agricultural experimental farm or station, where careful experiments shall be made in scientific agriculture, results of which, together with other needed information, shall be furnished the commissioner of agriculture, for publication in his monthly bulletin and annual reports.

SEC. 22. *Be it further enacted*, That all sums necessary to support the department of agriculture, including commissioner's salary, shall be paid out of any moneys in the treasury paid in by the department of agriculture and standing to its credit, under such rules as may be prescribed by the governor. Said commissioners shall make an annual report and shall also make quarterly reports of the disbursements and receipts of his office, the same shall be approved by the governor, before any further amount is drawn from the treasurer by said commissioner.

sums for support of agricultural department; how paid.

SEC. 23. *Be it further enacted*, That until otherwise provided by law, the commissioner shall hold his office in the buildings of the Agricultural and Mechanical College at Auburn.

Office of commissioner; where.

SEC. 24. *Be it further enacted*, That the terms "commercial fertilizer" or fertilizers—where the same are used in this act shall not be held to include common lime, land-plaster, cotton seed meal, ashes or common salt.

Fertilizer; terms

SEC. 25. *Be it further enacted*, That any chemist in making any analysis under this act, or growing out of this act, shall fail for want of due diligence or other neglect, to ascertain the true constituent elements of any sample of commercial fertilizer submitted to him for an analysis, and by reason of such want of due diligence or neglect makes a false certificate of the constituents of such sample, shall be liable to any party injured for all damages sustained directly or indirectly by reason of such false certificate; and any chemist who shall knowingly make a false certificate of any analysis required of him under this act, or who shall knowingly so conduct or make such analysis as not to disclose the true constituent

Penalty for making false analysis.

elements of the sample submitted to him and certify the result of such false analysis as true, shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary for not less than two nor more than five years.

SEC. 26. That the professor of chemistry of the Agricultural and Mechanical College shall be the official chemist of the agricultural department, and in addition to his duties in the matter of analysis, as otherwise provided in this act, he shall, at the instance of the commissioner, attend such conventions of agricultural chemists as the commissioner may deem the interest of the department requires, and shall also perform such other services within the line of his profession; *Provided*, the same does not conflict with his duties as professor in the college, for which services he shall receive such sum as the commissioner may deem reasonable, not to exceed five hundred dollars per annum, and his necessary expenses while absent on any duty assigned him by the commissioner, payable upon the certificate of the commissioner out of the department fund.

SEC. 27. Every person proposing to deal in commercial fertilizers shall take out a license from the commissioner of agriculture, which shall be furnished to parties on application without any charge therefor other than that provided for in this act, the license to terminate on the first day of September each year.

SEC. 28. *Be it further enacted*, That any person dealing in any commercial fertilizers in this State, without having obtained license as provided in the preceding section, shall be fined not less than one hundred dollars, to be recovered on complaint before any court having jurisdiction in any county where the business is transacted.

SEC. 29. *Be it further enacted*, That the commissioner of agriculture may, with the approval of the governor, upon an estimate stating the probable amount of such necessary expenses (not including salary) draw from the department fund a sum not exceeding five hundred dollars to meet the expenses of the current month, to be accounted for in his next quarterly report.

SEC. 30. *Be it further enacted*, That the necessary expenses of the commissioner of agriculture, when traveling in the discharge of his official duties under this act,

Professor of chemistry, and his duties.

His pay.

License.

Penalty for not taking out license.

Current expenses.

Traveling expenses.

shall be a proper charge against the department fund, such account to be verified by oath of the commissioner.

SEC. 31. *Be it further enacted*, That the provisions of this act relative to the report of analysis required to be made in section 7, and that relative to license to be taken out by dealers, shall not go into effect until the first day of September, 1885. Takes effect when.

Approved February 17, 1885.

No. 107.]

AN ACT

[H. B. 909.

To make an appropriation for the enlargement of the capitol and to furnish the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of twenty-five thousand dollars be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of making needed enlargement to the capitol and to furnish the same. Appropriation for enlargement of capitol.

SEC. 2. *Be it further enacted*, That the Governor, the Chief Justice of the Supreme Court, and the Attorney-General, be and they are hereby appointed a board, to procure and adopt a plan for such enlargement of the capitol, and make contracts for building the same, and furnishing the same, and to see that such plans and contracts are carried out. Who compose board.

SEC. 3. *Be it further enacted*, That said board shall audit and pass for payment all bills arising under this act, and it shall be the duty of the auditor to draw his warrant on the treasurer in favor of the person or persons to whom the board may give a certificate, showing such person is entitled to any payment under the provisions of this act. Board to audit and pass bills.

Approved February 17, 1885.

No. 108.]

AN ACT

[H. B. 931.]

To regulate certain disbursements of the funds of the  
Agricultural Department.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioner of agriculture be authorized to pay over to the treasurer of the Agricultural and Mechanical College from time to time as it may be collected, the proportion of the revenue of said department belonging to said Agricultural and Mechanical College.

Commissioner  
of Agriculture  
to pay over to  
treasurer.

SEC. 2. *Be it further enacted,* That the commissioner of agriculture be authorized to pay the current expenses of the department, except salaries, out of any moneys in his hands, the same to be accounted for on vouchers in his quarterly settlements.

Curr't expen-  
ses to be paid  
by commi's'r.

Approved February 17, 1885.

No. 109.]

AN ACT

[H. B. 944.]

To make an appropriation for the improving, beautifying  
and enclosing the grounds of the capitol and the square  
north of and adjacent thereto.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of seventy-five hundred dollars be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of making needed improvements upon the grounds of the State surrounding the capitol, and upon the square of ground north of and adjacent thereto, and for beautifying and enclosing the whole, according to the resolution of the city council of Montgomery heretofore adopted, by which the Mayor of Montgomery is authorized to make a deed of said square of ground to the State, upon the terms and conditions contained in said resolution; *Provided,* that no money shall be paid out under this act until the Governor, on the advice of the attorney-General, is satisfied that the title to the lot north of the capitol is good, and not until the deed from the city to the State is made and delivered.

Appropriation  
to impr'v cap-  
itol grounds.

Verification of  
title to lot north  
of capitol.

SEC. 2. *Be it further enacted*, That the Governor and Attorney-General of the State, and the mayor of the city of Montgomery, are hereby appointed a board to procure a plan for such improvements, and for beautifying and enclosing said grounds and square, and to make contracts therefor, and to see that such plan and contracts are carried out. Who compose board.

SEC. 3. *Be it further enacted*, That said board shall audit and pass for payment all bills arising under this act, and it shall be the duty of the auditor to draw his warrant on the treasurer in favor of the person or persons to whom they may give a certificate, showing that such person or persons is or are entitled to any payment under the provisions of this act. Bills to be audited by board.

SEC. 4. *Be it further enacted*, That the deed provided for in this act shall be an absolute *fee simple* deed, and shall contain but one condition, namely, that the lot shall revert to the city of Montgomery only when the capitol shall be removed from the city of Montgomery; *Provided*, that said property be, and it hereby is, accepted upon the express condition that the State shall have the right to make such use of said property for State and public purposes, as the General Assembly may at any time deem necessary or conducive to the public good. Deed to be fee simple. Proviso.

Approved February 17th, 1885.

No. 110.]

AN ACT

[S. B. 114.

To amend section 1544 of the Code, except as to the counties of Perry, Lawrence, Colbert, Dallas, Mobile, Marengo, Wilcox, Bullock, Jefferson, Shelby, Walker, Lowndes, Autauga and Madison, Tallapoosa, Pike, Pickens, Butler, Jackson, Franklin, Landerdale, Cullman, Winston, Marion, Chambers, Barbour, Coosa, Greene, Macon, Sumter, Conecuh, Crenshaw, Dale, Russell, Henry, Cleburne, Elmore.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to amend section 1544 of the Code, approved February 2d, 1883, be amended so that section 1544 will read as follows: Amendment.

Requirements  
necessary to ob-  
tain license.

Proviso.

Who may con-  
test.

Judge of pro-  
bate to exam-  
ine witnesses.

§ 1544. No license must be granted to sell spirituous, vinous or malt liquors at wholesale or retail, unless the applicant give notice for at least twenty days previously by publication in a newspaper published in the county or by posting notices at three or more public places, within five miles of the place where the applicant proposes to do business, of the time and place when and where the application will be made, and produce to the judge of probate proof that such publication has been made, and also the recommendation of twenty respectable freeholders who are householders, residing within the corporate limits of the town, city or beat, where such applicant proposes to do business, stating that they are acquainted with him, that he is possessed of good moral character, and is, in all respects, a proper person to be licensed; *Provided*, that in beats where there are less than forty freeholders who are householders, residing in the beat, a majority of them shall be sufficient; *and provided further*, that when the place where such applicant proposes to do business, is more than five miles from the corporate limits of any incorporated city or town, the applicant must file with the probate judge a list of all the householders who are freeholders, who reside within three miles of the place where the applicant proposes to do business, and a recommendation of a majority of such householders and freeholders, residing within three miles of such place, shall be required, and shall be sufficient. Any householder, who is a freeholder, residing within the city, town or precinct where the applicant proposes to do business, may appear and contest the application for license, by filing with the judge of probate a statement, verified by affidavit, that the applicant is not a person of good moral character, and is not a proper person to license; whereupon, the judge of probate must examine on oath the applicant and contestant and such witnesses as either may produce, and determine the matter summarily, and may adjourn the hearing to enable the applicant or contestant to produce witnesses as to the moral character and fitness of the applicant. The determination of the judge of probate shall be final. This act shall not be construed to repeal any law prohibiting the sale of vinous, spirituous or malt liquors in any locality; and said act hereby amended shall remain in full force as it now stands in all of said counties excluded

from the operation of this act; *Provided*, that the counties of Perry, Lawrence, Colbert, Dallas, Mobile, Marengo, Wilcox, Bullock, Jefferson, Shelby, Walker, Lowndes, Autauga and Madison, Tallapoosa, Pike, Pickens, Butler, Jackson, Franklin, Lauderdale, Cullman, Winston, Marion, Chambers, Barbour, Coosa, Greene, Macon, Sumter, Conecuh, Crenshaw, Dale, Russell, Henry, Cleburne, Elmore are excluded from the operation of this act.

Counties excluded.

Approved February 17, 1885.

No. 111.]

AN ACT

[S. 203.]

To more effectually secure competent and well qualified jurors in the several counties of this State, with the exception that the provisions of this act shall not apply to the counties of Pike, Tuskaloosa, Marion, Lawrence, Franklin, Blount, St. Clair, Marshall, Etowah, Cleburne, Shelby, Walker, Winston, Lamar, Clay, Fayette, Lee, Dale, Henry, Geneva, Coffee, Washington, Mobile, Crenshaw, Choctaw, Covington, Escambia, Marengo, Wilcox, Talladega, Tallapoosa, Perry, Dallas, Coosa, Bibb, Lowndes, Autauga, Cherokee, Russell.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county commissioners of the various counties in the State, or the members of boards of revenue in such counties as have such boards, not including probate judges, shall constitute a board of jury commissioners, who shall discharge and perform, in their respective counties, all the duties in relation to the selection and drawing grand and petit juries, now required by law to be performed by the judges of probate, sheriffs, and clerks of the circuit or city courts of said counties. Such commissioners shall, in addition to the oath now required by law, take an oath faithfully to discharge the duties required of them by this act, and to keep secret the counsel of themselves and their associates, and not to disclose the name of any juror drawn until the venire shall have been issued for such juror, which oath shall be in writing and subscribed by the commissioners as a part of their official oath. Each commissioner shall receive, in full of all compensation, the same pay he is entitled to

To secure competent jurors.

Jury commissioners.

Oath.

Compensation

Lowndes, per  
diem and mile-  
age.

receive as a county commissioner, or member of the board of revenue, which shall be paid by the county treasurer, upon the certified statement of the president of the board of jury commissioners, provided for by this act, of the amount due each commissioner; *Provided*, that in the county of Lowndes the jury commissioners, as now chosen by law, shall do and perform all the duties required by this act, of county commissioners or boards of revenue, and shall receive the same per diem and mileage as is now allowed such county commissioners and members of boards of revenue.

Time of meet-  
ing.

President of  
board.

Draw jurors.

Call of presid't

Place of meet-  
ing.

SEC. 2. *Be it further enacted*, That said commissioners shall hold their first meeting the next day after the adjournment of the commissioners court, or the session of the board of revenue, to be held on the first Monday in April, 1885, and shall at such meeting elect one of their number president of the board, perform all the duties required by this act, and draw all the jurors, grand and petit, for the circuit and city courts to be held in the respective counties whose terms shall begin after the first day of July, 1885, and before the first day of January, 1886. The next meeting of board of jury commissioners herein provided for, and each subsequent regular meeting thereafter, shall be held on the next day after the adjournment of the last regular term of the court of county commissioners, or session of the board of revenue held in each year. After the first meeting, if for any reason a meeting of the board of jury commissioners is not held at the time appointed for such meeting, a meeting shall be held on a call of the president of the board, as soon after the time appointed for such meeting as practicable. Such board of jury commissioners shall meet at the court house of the county, or other place provided by law for the sitting of the court of county commissioners or board of revenue; and no other person than said jury commissioners shall be present at such meeting.

Prepared list.

SEC. 3. *Be it further enacted*, That said commissioners, at such meeting, shall elect from the male residents of the county, over twenty-one and under sixty years of age, who are householders or freeholders, the names of all such persons, not exempt from jury duty, as, in their opinion, are fit and competent to discharge the duties of grand and petit jurors with honesty, impartiality and intelligence. Said commissioners shall prepar-

a list of the names so selected, stating thereon the place of residence and occupation of each person, if known to them, and shall file a certified copy of such list in a sealed envelope in the office of the judge of probate within five days after making said election. It shall be the duty of the judge of probate to keep such list securely and not to allow the seal of such envelope to be broken, or such list to be inspected by any one save said commissioners, unless under an order of a judge of a circuit or city court of his county.

File certified  
copy with probate judge.

SEC. 4. *Be it further enacted*, That when said list is completed said commissioners must write the name of each person therein contained, with his place of residence and occupation, if it appears from the list, on a separate piece of paper, and must fold or roll up such pieces of paper as nearly as may be in the same manner, so that the name may not be visible, and deposit the same in a box, which must be secured by sufficient locks and seals. Said commissioners shall, at their session hereinbefore provided for, proceed to draw from said box: first, the names of not more than twenty-one nor less than eighteen persons to serve as grand jurors for each regular term of any court to be held during the next ensuing year in the county for which a grand jury is required by law; and, next, the names of the requisite number of persons to serve as petit jurors for each of said courts, allowing not more than thirty-six, nor less than thirty persons, for each week of the term prescribed by law, or, if the term is unlimited, for each week during which, in the opinion of the clerk of that court, a jury will be required. And the juries for each week shall be drawn separately and successively, and every piece of paper on which is written the name of a person so drawn, must be destroyed.

Mode of drawing jurors.

Grand.

Petit.

SEC. 5. *Be it further enacted*, That said commissioners shall prepare a list of the names of the persons drawn as grand jurors, and also of the persons drawn as petit jurors for each week of each term separately, and envelope and seal the same, with an endorsement on the outside of the package to the clerk of such court; and said clerk shall retain said package in his possession, without breaking the seal or opening the same, until thirty days before the term of court for which such jurors were drawn, and he shall, after at least twenty days before the term of court, open such package and issue an order in

Weekly list of jurors to clerk of court.

Sheriff's order to summon. writing to the sheriff of the county, commanding him to summon the persons drawn as grand jurors to appear and serve in that capacity, and similar order for the persons drawn as petit jurors, specifying in the orders, the full name, place of residence and occupation of each person, when known, and the particular week for which each petit juror is to serve; and the manner in which said order shall be executed and returned, and all proceedings had thereon shall be the same as now prescribed by law; *Provided*, that if any sheriff shall negligently fail to summon any person whom he is so commanded to summon, he shall be held guilty of a contempt of court, and it shall be the duty of the court to fine him not more than one hundred dollars for each person not summoned, and he may also be imprisoned for not more than ten days; the return of any such person as not found shall be *prima facie* evidence of such negligence on the part of the sheriff, and he shall be so punished by the court unless he shows good cause to the contrary.

Penalty for failure.

Evidence of negligence.

Copies of lists deposited with probate judge. SEC. 6. *Be it further enacted*, That the commissioners shall deposit in the box from which the names are drawn, copies of all lists furnished to the clerk of any court, as provided in the preceding section, and shall deposit said box, securely locked and sealed, in the office of the judge of probate. The president of said board shall keep the key to said box, but the judge of the circuit court shall have access to said box in order to compare the *venire* issued by the clerk with the copy of the list furnished to the clerk. If a special or an adjourned term of any court in which a jury is required is called, the clerk of such court shall forthwith notify the commissioners, who shall meet and draw the grand and petit juries, one or both, required for such term, and shall furnish a list of the same to the clerk of the court at least twenty days before the term, in the same manner as for a regular term, and the clerk shall issue to the sheriff the proper order for summoning such grand and petit jurors as for a regular term, and the sheriff shall be subject to the same penalties for failing to summon jurors to a special term as for failing to summon them to a regular term.

Special or adjourned term.

Duties of clerk and sheriff.

Quorum. SEC. 7. *Be it further enacted*, That a majority of said commissioners shall constitute a quorum. Said commissioners shall, at each meeting, select one of their number president of their board, to preside at such meeting

and he shall continue in such office until the next meeting.

SEC. 8. That if any person summoned to attend as a grand or petit juror shall fail to obey such summons, without good excuse, to be determined by the court, he shall be deemed guilty of a contempt of court, and if no sufficient excuse be rendered for him at the time of his default, a rule shall issue to him to show cause why he shall not be adjudged guilty of such contempt and fined accordingly; if he shall fail at the next term after such notice to render such excuse, he shall be fined by the judge not more than one hundred dollars, and may be imprisoned in the county jail for not more than ten days.

SEC. 9. *Be it further enacted*, That out of the grand jurors so summoned and attending, the court shall organize a grand jury in the manner now provided by law, and out of the persons summoned as petit jurors and attending the court, shall, if no capital case stands for trial during the week, organize two petit juries of twelve men each. If any capital case stands for trial during such week, the court shall organize a panel of thirty-six men, and shall then out of such panel organize two petit juries of twelve men each, and excuse the other twelve until the day set for such capital trial. If a sufficient number of those summoned for the grand or petit juries shall not attend when such juries or panel of thirty-six men are to be organized, the court shall draw from the jury box a sufficient number of names to complete such jury as provided hereafter in section ten.

SEC. 10. *Be it further enacted*, That when any capital case or cases stand for trial, the court shall, at least three days before the same are set for trial, cause the box containing the names of jurors to be brought into the court room and, after having the same well shaken, the presiding judge shall then and there publicly draw therefrom not less than twelve nor more than twenty-four of said names, a list of which shall be immediately made by the clerk of said court and an order issued to the sheriff to summon the same to appear upon the day set for trial, in like manner and under like penalties as provided for summoning grand and petit jurors in section five (5) of this act; and the names of the jurors so drawn together with the panel of thirty-six heretofore provided for, shall constitute the venire from which the juries to try said

Failure to obey summons, contempt.

Grand jury.

Petit juries.

Capital cases; jurors drawn.

Summoned.

Venire.

Juror residing  
more than five  
miles from the  
court house.Right to chal-  
lenge.Civil ca-es, pe-  
remptory chal-  
lenge.Failure of duty  
by commis-ion-  
er, misdeme-  
nor.Penalty for at-  
tempting to in-  
fluence com-  
missioner, &c.

capital case or cases shall be selected; *Provided*, that, if, at the time appointed for the trial of a capital case, a jury should not be made of those summoned and appear, the court shall draw from the petit jury box a sufficient number of names to complete said jury; *Provided*, that should any juror so drawn reside more than five miles from the court house, the said juror may, in the discretion of the presiding judge, be relieved from attendance on said trial. In addition to the challenges for cause allowed by law, the defendant shall have the right to peremptorily challenge twelve such jurors, and the State six of them.

SEC. 11. *Be it further enacted*, That upon the trial of any felony, not capital, the defendant shall be entitled to eight peremptory challenges and the State four; and upon the trial of any misdemeanor, the defendant shall be entitled to five peremptory challenges and the State three. When two or more defendants are tried jointly for a capital offence or other felony, each defendant shall be entitled to one-half the peremptory challenges allowed by this act; and on the trial of two or more defendants for any misdemeanor, each defendant shall be entitled to three peremptory challenges. In civil cases it shall be a ground of peremptory challenge that a juror is plaintiff or defendant in any case which stands for trial at the term at which he is challenged. It shall also be a ground of challenge in any cause that a juror is related to any party or attorney, who was his attorney of record in the cause to be tried before the case was called for trial, by consanguinity within the ninth degree, or affinity within the fifth degree, or is a partner in business of such party; *Provided*, nothing contained herein shall repeal any common law right of challenge.

SEC. 12. *Be it further enacted*, That any commissioner who wilfully or negligently fails to discharge any of the duties required of him by this act, or shall engage in drawing a jury or juror in any other manner or order than that herein required, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than one thousand dollars.

SEC. 13. *Be it further enacted*, That any person who shall attempt to corruptly influence any of said commissioners, or any other officer charged with the execution of any duty under this act, in the performance of any of

his duties, shall, on conviction, be fined not less than one thousand dollars, and shall also be imprisoned in the State penitentiary for not less than two nor more than twenty years, and shall forever be disqualified from holding any office of honor, trust or profit under the laws of this State.

SEC. 14. *Be it further enacted*, That said commissioners shall, as far as possible, guard against selecting any persons exempt by law from jury duty, and to this end may avail themselves of any source of information within their reach. Exempts.

SEC. 15. *Be it further enacted*, That section 4732 of the Code of Alabama and all other laws and parts of laws, general and special, conflicting with the provisions of this act, be and the same are hereby repealed; but all laws now in force, in relation to jurors, their drawing, selecting or qualification, not in conflict with this act, are hereby continued in full force and effect. But the provisions of this act shall not apply to the counties of Pike, Tuscaloosa, Marion, Lawrence, Franklin, Blount, St. Clair, Marshall, Etowah, Cleburne, Shelby, Walker, Winston, Lamar, Clay, Fayette, Lee, Dale, Henry, Geneva, Coffee, Washington, Mobile, Crenshaw, Choctaw, Covington, Escambia, Marengo, Wilcox, Talladega, Tallapoosa, Perry, Dallas, Coosa, Bibb, Lowndes, Autauga, Cherokee, Russell. Repeal of conflicting laws.  
Does not apply to.

Approved February 17, 1885.

No. 112]

AN ACT

[H. B. 623.

To further define and regulate the convict system of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be appointed by the Governor by and with the advice and consent of the Senate, a president of the board of inspectors and two other inspectors of convicts, who together shall constitute the board of inspectors of convicts, and shall have general supervision and control of the State and county convicts. The term of office of the inspectors shall be for six years, but the terms of the first appointees shall expire, one at the end Board of inspectors, and term of office.

of two years, one at the end of four years and the other at the end of six years.

**Duty of president of board.** SEC. 2. *Be it further enacted*, That the president of the board of inspectors shall perform such duties now prescribed by law for the warden, as may be necessary; and that suits now pending, or such as may become necessary for the collection of amounts now due, or that may hereafter become due upon contracts for the hire of convicts for convict labor, shall be prosecuted in the name of the State, and such suits may be brought in the Circuit Court of Montgomery county or City Court of Montgomery.

**Governor appoint physician.** SEC. 3. *Be it further enacted*, That the Governor shall appoint a reputable and duly licensed physician for the State and county convicts, who shall reside at such place as the largest number of convicts are located and worked. He shall report monthly and oftener if required to the president of the board of inspectors, the condition, health and sanitary arrangement of the convicts, together with any recommendations as to any change necessary for the more humane treatment of said State and county convicts, and the physician shall be allowed actual traveling expenses incurred in visiting the convict camps of the State in addition to his salary which shall be fifteen hundred dollars per annum; and that it shall be the duty of said physician to devote his whole time and services exclusively to the supervision, care and practice upon said State and county convicts; and said physician shall visit any camp where State or county convicts are worked when requested to do so by the president of the board of inspectors; and that said physician shall hold office for the term of two years; and said physician shall not accept any employment or compensation from any hirer of any State or county convicts; and said physician shall be removable by the Governor on complaint of the inspectors for incompetency or neglect of duty.

**Report monthly.**

**Salary and expenses.**

**Duties.**

**Governor may remove.**

**Offices abolished.** SEC. 4. *Be it further enacted*, That the offices of warden and clerk and inspectors are hereby abolished.

**Convicts at Wetumpka.** SEC. 5. *Be it further enacted*, That the convicts now in the penitentiary at Wetumpka shall be disposed of or cared for by the board of inspectors, as the interest of the State and humanity to the convicts may require.

**Authority of Board.** SEC. 6. *Be it further enacted*, That the said board of inspectors of convicts shall have all the authority and

all the powers now conferred by law upon the inspectors of the penitentiary, and discharge all their duties, except as otherwise herein provided.

SEC. 7. *Be it further enacted*, That there shall be appointed by the president of the board of inspectors a clerk who under his direction shall keep the books and records pertaining to State and county convicts, and shall perform such other duties as may be required by the board.

SEC. 8. *Be it further enacted*, That in the office of the board of inspectors of convicts shall be kept a book or books in which there shall be kept a record of all State and county convicts, showing the date of conviction, crime, sentence, county and court in which convicted, place and person to whom hired and terms and amount of hire; and such other information as the board may prescribe. And there shall be kept also, in a well-bound book or books an account with each contractor for convicts, showing at all times fully and correctly the state of the account of each contractor; and there shall also be kept such other books as the board may deem proper.

SEC. 9. *Be it further enacted*, That on the first day of each month the president of the board shall cause to be made out by the clerk an account against each contractor showing the number of convicts and the amount of hire due from each contractor for the past month, copies of which he shall furnish respectively to the contractors and to the auditor. Within ten days after receiving such account the said contractors respectively shall settle and pay such accounts to the auditor, and the amount due by each shall be certified into the State treasury and an account thereof shall be kept by the auditor as other accounts of public moneys are kept, but in a book or books separate and distinct from other State accounts; *Provided*, that when the contract prescribes other than monthly payment, then the account thereof shall be made out under the direction of the president of the board, and settled by the contractor with the auditor, and certified into the treasury of the State within ten days after the same is due, in all respects as herein provided.

SEC. 10. *Be it further enacted*, That in all cases where a person is sentenced to the penitentiary by any of the courts in this State, the judge shall order such convict to be confined in the nearest secure jail, and the

clerk of the court shall at once notify the board of inspectors of the jail where such convict is confined and forward to them a copy of judgment entry and sentence in the case, and inform them if any special care be necessary to guard such convict. Whereupon at once the president of the board or a majority of said inspectors shall assign said convict to the contractor who by fair and equal allotment is entitled to him. No preference shall be given to one contractor over another, but each shall have his fair proportion of the convicts then subject to hire. And contractors shall have the right to inspect the records showing distribution and allotment of convicts, and may make complaint to the board of inspectors of any injustice or inequality, and from the decision of the board an appeal may be made to the Governor who shall have the power to examine and be required to have exact justice done; and the failure or refusal of the president of the board, or the other inspectors when the duty devolves on them, to comply with the provisions of this section or to discharge their duties in other respects, shall be justifiable cause for removal by the Governor.

**SEC. 11.** *Be it further enacted,* That the sheriff having in his custody any person sentenced to the penitentiary, shall deliver such convict to the contractor who presents the written order of the president of the board of inspectors for him and shall take from said contractor duplicate receipts upon blanks to be furnished by the board of inspectors containing a descriptive list of such convict, one of which duplicates he shall retain and he shall forward the other to the board of inspectors.

**SEC. 12.** *Be it further enacted,* That when a convict, without fault on his part and while working out his sentence, receives personal injuries permanently disabling him from earning a living, the board of inspectors shall have the power to make provision for his support until the expiration of his sentence at a cost not to exceed eight dollars per month. An it is hereby made the duty of the president of the board of inspectors to insert a clause in every contract of hiring, made as aforesaid, fixing a liability upon such contractor to the State for any amount thus expended for the support until the termination of said contract; *Provided,* nothing herein contained shall bar the right of such convict to bring his action against said contractor or other person, who may

Assignment to contractor.

No preference.

Appeal to governor.

Sheriff to deliver convict to contractor and take duplicate receipts.

Pers'nal injury to convict.

Damages.

be legally responsible to him for damages on account of such injuries.

SEC. 13. *Be it further enacted*, That the president of the board shall make due advertisement of the hiring of all convicts as now prescribed by law by the warden, and on the day appointed the governor shall open the bids in the presence of the board of inspectors and the governor shall award the contracts. In the acceptance or rejection of bids regard must be had to the healthfulness and accessibility of the place where the convicts are to be worked, the nature of occupation, and the price bid and the character and reputation of the bidder.

Advertise hiring.

Governor to open bids and award contr'is.

SEC. 14. *Be it further enacted*, That no convict must be worked at a different place or occupation than expressed in the bid and contract, except upon the recommendation of the board of inspectors stating the reasons therefor and approved by the governor, nor shall any convict be re-hired or placed in the keeping and control of any other person than the contractor, except upon the recommendation of the board of inspectors and approved by the governor.

Conv't to work as expressed in bid.

SEC. 15. *Be it further enacted*, That all convicts must be classed under present contracts by the board of inspectors every six months, and a record of such classification must be kept in their office, and a copy delivered to the auditor and also to the contractor. And all convicts delivered to any contractor in the interval between the said classification shall be temporarily classed by either of the inspectors, and the same to be at once recorded in the office of the said board, and the clerk thereof shall also promptly notify the auditor thereof. After expiration of present contracts the convicts may be hired per capita, and classification may be dispensed with.

Classification.

Recorded.

SEC. 16. *Be it further enacted*, That a record shall also be kept in the office of the board similar to that provided for in section 8 of this act of all persons sentenced to hard labor for the county, and who under the provisions hereof may be confided to their supervision, and the probate judge or agent of hard labor for the county shall report to the board at such times as the board may prescribe, the name, age, sex and race of each person sentenced to hard labor, date of conviction, crime, term of sentence, additional term for costs, date of expiration of sentence and amount of costs.

Same as hard labor record.

- SEC. 17. *Be it further enacted*, That all laws of the State and all rules of the board of inspectors for the management and treatment of State convicts are hereby made applicable to county convicts, except when worked by and in the county where convicted, and said inspectors shall have supervision of and inspect said county convicts in the same manner as under the provisions of this act they are required to inspect State convicts; *Provided*, that where county convicts are worked in the mines or on the rail roads in their own counties, then they shall be under the supervision of the inspectors, and all county convicts shall be inspected by said inspectors when called upon to do so by the Court of County Commissioners.
- SEC. 18. *Be it further enacted*, That the inspectors shall not be required to inspect convicts hired and retained in the county of their conviction; and convicts, State or county, not worked in mines, shall be inspected monthly or oftener on direction of the governor.
- SEC. 19. *Be it further enacted*, That it shall be unlawful to work together or to confine in the same room or apartment any convict or convicts who have been sentenced to hard labor for the commission of a misdemeanor not involving moral turpitude with a convict or convicts sentenced for the commission of a felony. It shall also be unlawful for white convicts, whether State or county convicts, and colored convicts to be chained together or to be allowed to sleep together, or to be confined in the same room or apartment, when not at work; and it shall be unlawful to chain together or to confine together in the same room or apartment male and female convicts.
- SEC. 20. *Be it further enacted*, That no person sentenced to hard labor shall be hired to any person related to him by consanguinity or affinity or who is unfriendly to him, or who has not a proper prison or immediately will prepare one for the confinement of such convicts at night or when not at work, wherein he must be kept confined at such time. But in case of convicts convicted of misdemeanors and hired in the county where convicted, the hirer shall not be required to keep such convict confined or attended by a guard, unless so required by an order of the Commissioners Court of such county, incorporated in the contract of hiring.
- SEC. 21. *Be it further enacted*, That every contract

State laws apply to county convicts.

Exceptions.

Inspection.

Misdemeanor and felony.

White and colored.

To whom hired

for the hire of county convicts must express the kind of labor and the place at which it is to be performed; and such convict must be restricted to such place and labor, which must not be changed except upon recommendation of the Commissioners Court; and county convicts can only be sub-let or re-hired in the same manner.

Kind of labor  
and place to be  
expressed.

SEC. 22. *Be it further enacted*, That no person shall act as a guard of State convicts, convicted of felonies, without the license of the board of inspectors, and either inspector shall have power to discharge any guard or other employee having authority over such State convicts.

Guard.

SEC. 23. *Be it further enacted*, That it shall be the duty of the inspectors to report to the solicitor of the circuit all violations of the laws in regard to convicts that may come to their knowledge; and all indictments for the same shall be tried in the Circuit Court of the county where the offense was committed.

Report to so-  
licitor.

SEC. 24. *Be it further enacted*, That no officer of the State shall accept from any person or corporation interested in convict labor any employment, or receive any compensation for services rendered such person or corporation.

No officer to  
accept employ-  
ment from.

SEC. 25. *Be it further enacted*, That the inspectors shall have authority to summon, swear and examine witnesses as to any matter concerning the management and treatment of convicts. And any person not obeying such summons, or refusing to testify, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding one hundred dollars.

Inspector au-  
thori'd to sum-  
mon witnesses.

SEC. 26. *Be it further enacted*. That the governor shall have general superintendence and control of the inspectors and see that they perform their duties. And there shall be made quarterly to him, and as often as he may require, a report of the condition of the convicts, and of the work done by each officer, and the governor shall, from time to time, require the office of the president of the board to be examined, and its condition reported to him by the officer appointed by him to examine public offices.

Governor to  
have general  
control of in-  
spectors.

SEC. 27. *Be it further enacted*, That it shall be the duty of the governor to transmit to the General Assembly, immediately upon its assembling, full and complete

Governor to re-  
port to general  
assembly.

printed reports made to him by the board of inspectors, and such other and further information as he may deem proper, payable out of the convict fund.

Penalty for violation.

SEC. 28. *Be it further enacted*, That any inspector, guard or hirer, or any other person, company or corporation, or the agent or employee of such company or corporation having the charge, management or control of any State or county convict, who shall violate any provision of this act, and such violation is not a crime or offense punishable under the laws of this State, shall be guilty of a misdemeanor, and must on conviction for every such violation be fined not more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months.

Salaries and expenses.

SEC. 29. *Be it further enacted*, That the salaries and expenses authorized by this act, and arising from its administration, shall be paid out of the receipts from the hire of State convicts in the State treasury, on the approval of the governor, and out of no other moneys; and so much of such receipts as may be necessary each year is hereby appropriated for such purpose.

Residence of president and clerk.

SEC. 30. *Be it further enacted*, That the president of the board of inspectors, and the clerk, shall reside at the capital of the State.

Salaries of officers.

SEC. 31. *Be it further enacted*, That the salary of the president of the board of inspectors shall be \$1,800.00; and the other inspectors \$1,500.00 each, and their traveling expenses while absent from their places of residence on official duty; the salary of the clerk of the board of inspectors shall be \$1,000.00.

Shackles, &c.

SEC. 32. *Be it further enacted*, That shackles and chains shall be placed on and worn by convicts only by consent of an inspector.

Post mortem examination.

SEC. 33. *Be it further enacted*, That it shall be the duty of the physician appointed under this act to make a *post mortem* examination of each convict that dies while working out his term of service, and to make a full statement to the inspectors of the facts ascertained by said examination; *Provided*, that no *post mortem* examination shall be made if on an inspection of the body of the convict there is no reason to believe that such convict came to his death by cruel treatment, or unless the cause of death is uncertain or doubtful.

Proviso.

SEC. 34. *Be it further enacted*, That whenever a person is convicted and sentenced to the penitentiary so much of the proceeds of his labor for the first twelve months of the term for which he is sentenced, as may be necessary, shall be applied to the payment of the cost of the case, and for this purpose such amount shall be paid over to the clerk of the court of the county where he was convicted, out of the receipts from the hires of such convicts, in the State treasury, upon a warrant drawn by the auditor; and so much of such receipts, as may be necessary, each year, is hereby appropriated for such purpose.

Costs.

Receipts.

SEC. 35. *Be it further enacted*, That it shall be unlawful to work upon railroads or in mines, convicts who have been convicted of an offense not involving moral turpitude.

Who may work.

SEC. 36. *Be it further enacted*, That no cost or cost bill shall be paid under section 34 or other provisions of this act, unless such cost shall have been first itemized, and then approved in writing by the judge of the court in which the conviction was had and filed in the auditor's office.

Cost bill itemized &amp; approv'd

SEC. 37. *Be it further enacted*, That no contract shall be made previous to the first day of March, 1887, to continue longer than the first day of January, 1888.

Time of contract.

SEC. 38. *Be it further enacted*, That it shall be unlawful for the inspectors or any person or officer, having charge of the hiring of either State or county convicts, to hire any convict who is not physically capable of performing such service, to be worked in mines or on railroads. And whenever a convict is hired to be worked in the mines or on a railroad, and subsequent to such hiring, it shall be made to appear that such work is injurious to the health of the convict, such convict on the recommendation of the convict physician or by order of the inspectors, may be removed from such mine or railroad and put to some other kind of hard labor.

Physically incapable.

SEC. 39. *Be it further enacted*, That the president of the board of inspectors shall furnish each convict, within a month after his confinement, a card, on which shall be written or printed, or partly written and partly printed, the date of such convict's conviction, his term of sentence and the expiration of his sentence.

Convict's card.

SEC. 40. *Be it further enacted*, That a chaplain shall be appointed by the inspectors whose salary shall be one

Chaplain.

thousand dollars (\$1,000) per annum, who shall devote his whole time to the moral improvement and religious instruction of convicts.

SEC. 41. *Be it further enacted*, That all the provisions of the act entitled an act to regulate the hiring and treatment of State and county convicts, approved February 22d, 1883, not inconsistent with this act are hereby continued in full force.

Approved February 17, 1885.

# LOCAL LAWS OF ALABAMA.

WITH SEPARATE INDEX.

No. 113.]

AN ACT

[H. B. 930. 1884-85.

To re-enact and continue in force so far as the same applies to Tallapoosa, Lee and Pickens counties, an act entitled an act to provide for the assessment and collection of taxes in the counties of Lee, Chambers, Randolph, Tallapoosa and Pickens, approved February 19th, 1883, and to amend the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to provide for the assessment and collection of taxes in the counties of Lee, Chambers, Randolph, Tallapoosa and Pickens, approved February 19th, 1883, be and the same is hereby amended, re-enacted and continued in full force and effect in so far as the same relates to the counties of Tallapoosa, Pickens and Lee, for and during the years 1885 and 1886

and said act so re-enacted and continued in force is in words and figures as follows, to-wit: An act to provide for the assessment and collection of taxes in the counties of Lee, Chambers, Randolph, Tallapoosa and Pickens. Whereas the tax collectors elected in the several counties mentioned in the caption of this act have failed or refused to qualify by giving bond as required by law therefore, SEC. 1. *Be it enacted by the General Assembly of Alabama,* That said several counties are hereby created into separate taxing districts in which State taxes and the taxes imposed by the act to provide the means of local

Amendment.

To provide for assessment and collection of taxes in counties of Chambers, Lee, Randolph, Tallapoosa & Pickens.

Created into separate taxing districts.

government therein shall be assessed and collected as herein provided.

Governor to  
appoint a com-  
missioner for  
each district.

SEC. 2. *Be it further enacted*, That it shall be the duty of the governor to appoint for each of said districts a commissioner of taxes who shall perform the duties herein prescribed and such other duties as may hereafter be required of him by law, but shall not perform any other duties whatever relating to the assessment and collection of taxes of any kind.

Commissioner  
to take oath &  
give bond.

SEC. 3. *Be it further enacted*, That said commissioner before entering on the discharge of his duties, shall take and subscribe the official oath prescribed by the constitution and shall enter into bond with good and sufficient sureties payable to the State of Alabama in such penalty as the governor may appoint with condition for the faithful performance of his duties, which said bond shall be approved by the governor, recorded in the office of the secretary of State and filed in the office of the auditor, and shall be obligatory on the principal and sureties therein for the breach of the condition thereof during the time the principal continues in office or discharges any of the duties thereof. And the governor may from time to time, whenever he deems it expedient, require such commissioner to make and execute additional bond or bonds. Upon any of said bonds the State or any person who may be injured by the failure of such commissioner to perform the duties required of him by law, or by the improper or neglectful performance of such duty, may maintain suits at law or in equity and a single recovery shall not discharge said bond or bonds, but from time to time proceedings may be instituted thereon until the penalty shall be satisfied.

Additional bond  
may be required.

Penalty, and  
proceeding to  
enforce.

Duty of com-  
missioner of  
Chambers co.

Collection re-  
stricted to  
1881-2.

Lee county

SEC. 4. *Be it further enacted*, That it shall be the duty of said commissioner appointed for the county of Chambers immediately upon entering upon the duties of his office to proceed to the collection of taxes assessed in said county for the years 1881 and 1882 for State purposes, and to proceed to collect the county taxes levied by the court of county commissioners for the current expenses of the county for each of said years, but shall not collect any other county taxes, leaving the same to be collected in the manner and by the officer now required by law to collect the same. That it shall be the duty of the commissioner appointed for the county of Lee immediately

upon entering on the duties of his office to proceed to the collection of the taxes assessed in said county for the years 1881 and 1882 for State purposes, and to proceed to collect the county taxes levied by the court of county commissioners for the current expenses of said county for each of said years, but shall not collect any other taxes whatever, leaving the same to be collected in the manner and by the officer now required by law to collect the same. But the said commissioner of the said county of Lee shall recognize any and all voluntary payments of taxes, State or county, which have been heretofore made by the tax payers of said county or any of them, when the money received on such payments has been paid into the State or county treasury, shall be a full and complete discharge to such tax payers; *Provided*, if deemed expedient by them the court of county commissioners of Lee may by order of their court lessen the amount of the county tax to be collected by this act for either or both of said years 1881 and 1882. That it shall be the duty of the commissioner appointed for the county of Tallapoosa upon entering upon the duties of his office to proceed to the collection of the taxes assessed in said county for the year 1882 for State purposes, and to proceed to collect the county taxes levied by the court of county commissioners for the current expenses of the county for said year, but shall not collect any other taxes, leaving the same to be collected in the manner and by the officer now required by law to collect the same. That it shall be the duty of the commissioner appointed for the county of Pickens immediately upon entering on the duties of his office to proceed to the collection of the taxes assessed in said county for the year 1882 for State purposes, and to proceed to collect the county taxes levied by the court of county commissioners for the current expenses of the county for said year, but shall not collect any county taxes, leaving the same to be collected in the manner and by the officer now required by law to collect the same.

Restricted to  
1881-2.

Voluntary pay-  
ments hereto-  
fore made to  
be recognized.

Tallapoosa co.

Restricted to  
1882.

Pickens co.

Restricted to  
1882.

SEC. 5. *Be it further enacted*, That said commissioner shall, on the first day of each month, or within three days thereafter, make a report in writing to the State auditor, showing in such report the State taxes which have been collected by him within and during the preceding month, the persons from whom collected and stating separately the amount of taxes received on real

Must make a  
written report  
monthly to au-  
ditor.

Auditor's certificate to probate judge.

Notice of time and place.

Taxes in default regarded as delinquent.

Power to collect by sale.

Assessment for 1883-4.

and personal property; showing also the amount of county taxes collected and received by him, and the persons from whom collected and received, and shall pay into the State treasury the State taxes so collected, which shall be passed into the treasury upon the certificate of the auditor, stating the amount thereof; and it shall be the duty of the auditor to certify to the judge of probate of the county a statement of the amounts of county taxes so collected and received by said commissioner, and upon the certificate of such judge the same shall be paid into the county treasury. The said commissioner must attend at some convenient place in each election precinct of the county after having given thirty days' notice of the time and place for the purpose of receiving taxes; the said notice may be given by advertisement in some newspaper published in the county for three successive weeks or by posting bills at three or more public places in each precinct, and until after such notice has been given and the said commissioner has attended at the time and place appointed, no tax payer shall be regarded as delinquent.

SEC. 6. *Be it further enacted*, That after the said commissioner shall have attended each election precinct as provided for in the preceding section, all tax payers remaining in default in the payment of the taxes which the said commissioner is hereby authorized to receive and collect shall be regarded as delinquent, and the said commissioner shall have full power and authority to proceed in the collection of said taxes as tax collectors are authorized to proceed under the laws of this State, and may levy on and sell real and personal property for the payment of such taxes and the costs and expenses of such sale, in the same mode in which tax collectors are authorized to proceed to levy and to sell.

SEC. 7. *Be it further enacted*, That it shall be the duty of said commissioner in and for the district for which he may be appointed, to assess the State taxes for the years of 1883 and 1884 in the same manner and under the same regulations, in and under which the county assessor of taxes is required by law to assess State taxes, and all laws applying to such assessors shall be applied to said commissioners; and the said commissioners shall severally have all the power and authority, general or special, which is conferred upon the assessors of taxes. When such assessment is completed it shall be the duty of

said commissioner to file the same in the office of the judge of probate of the county. And after giving thirty days' notice the judge of probate and any two of the county commissioners shall, in the presence of the commissioner, examine the said assessment and correct any errors that may be found therein, and upon the complaint of any tax payer shall inquire into and correct any injustice which may be done him in such assessment.

Same filed in office of judge of probate.

Examine and correct.

When such assessment shall have been so examined and corrected, the said commissioner shall note such corrections therein and the same shall be certified to by him and by said judge of probate. Thereafter the said commissioner shall proceed to collect the said taxes so assessed, in the mode and manner and under the same regulations and restrictions in and under which tax collectors are required to collect State taxes.

SEC. 8. *Be it further enacted*, That the said commissioners shall levy and collect a tax of one-fourth of one per centum on the value of all taxable property assessed for taxes to the State, to pay the current expenses of the county for the year, and he shall give to each tax payer a separate receipt for such county tax, when the same is paid, and he shall make to the judge of probate of the county on the first day of each and every month, or within three days thereafter, a report in writing, showing the amount of such county taxes collected by him within and during the preceding month, stating therein the name of each tax payer, and the amount received from him, and the aggregate amount shall be passed into the county treasury upon the certificate of said probate judge. And the said commissioner shall, on the first day of each month or within three days thereafter, make a report to the auditor of the amount of State taxes collected by him within and during the preceding month, stating therein the name of each tax payer and the amount of tax paid on real or personal property, and the aggregate amount of the tax, so collected, shall be passed into the State treasury upon the certificate of the auditor; *Provided*, that the commissioner of taxes for Pickens county shall levy and collect a tax of one-half of one per centum on the value of the taxable property assessed for taxes to the State, to pay the current expenses of said county.

Levy of  $\frac{1}{4}$  of 1 per cent to pay current expenses.

Report to probate judge 1st of each month.

Report to auditor.

Pickens co. Levy of  $\frac{1}{2}$  of 1 per cent to pay current expenses.

SEC. 9. *Be it further enacted*, That the power of courts of county commissioners to levy taxes for the cur-

Power of county commissioners to levy tax for expenses of 1883-84 withdrawn.

rent expenses of either of said counties for the years 1883 and 1884 is hereby taken away and divested, and no power to levy such taxes shall be exercised than otherwise herein provided, and the taxes levied in accordance with the provisions of this act for the current expenses of the said counties, shall not be appropriated to any other purpose than to the payment of such expenses. That there shall be no assessment of taxes for State purposes in either of said counties for the years 1883 and 1884 by any other person than said commissioners, in accordance with the provisions of this act.

Compensation of commissioners.

SEC. 10. *Be it further enacted*, That the compensation of each of said commissioners, *except Lee county commissioner*, shall be five per centum on the aggregate amount of taxes collected and received by him, which said compensation shall be paid three-fourths by the State, on the warrant of the auditor on the State treasurer, and one-fourth upon the warrant of the probate judge on the county treasury. But in no event shall such compensation for the collection of the taxes of any one year, State and county, or for the assessment, levy and collection of taxes, State and county, for any one year, exceed in the counties of Chambers, Tallapoosa and Pickens one thousand and five hundred dollars, and in the county of Randolph shall not exceed eight hundred dollars.

Governor may remove & appoint

SEC. 11. *Be it further enacted*, That the Governor shall have power at pleasure to remove either of said commissioners, and by appointment to fill the vacancy caused by such removal.

Commissioner to collect poll tax.

SEC. 12. *Be it further enacted*, That it shall be the duty of said commissioners to assess and to collect the poll tax, and to pay over such tax, as tax assessors are now required to assess the same, and as tax collectors are required to collect and to pay over the same.

Restriction of act.

SEC. 13. *Be it further enacted*, That this act shall not avoid or defeat any acts enacted during this session of the General Assembly of Alabama, in relation to said counties hereinbefore mentioned.

Jno. M. Thomas collector for Lee, 1885-6.

SEC. 14. *Be it further enacted*, That nothing in this act contained shall prevent the payment of tax assessors fees heretofore earned, but the same shall be paid by the commissioners collecting taxes under this act, and as now authorized by law, approved February 19, 1883; *Provided further*, That John M. Thomas shall be the com-

missioner for Lee county to collect the taxes to be collected under the provisions of this act for State and county purposes in said county for years 1885 and 1886, and in the performance of said collection he shall be governed by this act. And Edward W. Solomon shall be the commissioner to assess the taxes to be assessed in said county under the provisions of this act, for State and county purposes in said county for said years. And each of said commissioners shall execute a bond payable to the State of Alabama in such penalty as the Governor may appoint, conditioned, approved, recorded and obligatory as prescribed in section 3 of this act. Said commissioners for Lee county shall each receive the same compensation and fees for their services that a tax collector is allowed under the general law, and to be paid respectively in the same manner as tax collectors and assessors are paid. In event of a vacancy in said county the Governor shall fill the same by appointment.

Edw. W. Solomon, assessor.

Compensation.

Approved February 17, 1885.

No. 114.]

AN ACT

[S. 82.

To amend an act to establish a charter for the city of Troy, in Pike county, approved February 17th, 1870, so that the councilmen of said city shall not be entitled to compensation for their services as such.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 5 of an act to establish a charter for the city of Troy, in Pike county, approved February 17th, 1870, which is as follows:

"SEC. 5. *Be it further enacted,* That no person shall hold the office of mayor or councilman of Troy, who has not resided therein one year next preceding the election at which he is elected," be amended so as to read as follows:

Amendment.

SEC. 5. *Be it further enacted,* That no person shall hold the office of mayor, or councilman, of Troy, who has not resided therein one year next preceding the election at which he is elected, nor shall the councilmen of

Eligibility of mayor or councilman.

said city be entitled to any compensation for their services as such.

Approved December 1, 1884.

No. 115.]

AN ACT

[S. 89.

To amend sections 7, 9 and 10 of an act to establish a separate school district to be known as the Peabody School District, in Russell county, Alabama, and for the appointment of a board of trustees for said school district, with certain powers and privileges, approved February 10th, 1883.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That sections 7, 9 and 10 of an act to establish a separate school district to be known as the Peabody School District, in Russell county, Alabama, and for the appointment of a board of trustees for said school district, with certain powers and privileges, be and the same is hereby amended so as to read as follows:

Powers of board.

To have control of public roads, &c.

**SEC. 7.** *Be it further enacted,* That the said board of trustees of the Peabody School District of Alabama shall have full power and authority to enact such by-laws as they may deem proper for the government of their body and to pass ordinances for the inauguration of a system of education in said district, and for the full protection and welfare of the public schools, and school interest in the same, and to make all needful sanitary regulations and ordinances for the preservation of the peace and good order of said district; and said board shall have general supervision and control of the public roads and streets, and public cemetery grounds in said district, to repair and keep in order the same, and shall have within the limits of said district the power to appoint, commission and excuse apportioners and overseers upon the public roads and streets of said district in the same manner as is now done under the law by the Commissioners' Court and probate judge of Russell county, and the terms of service, duties, liabilities and penalties now imposed by law upon apportioners and overseers under the general road laws of this State, shall, so far as the same may be applicable, attach to the said officers so appointed in said

district. All persons residing in said district, not exempt from all road duty by the general road law of this State, shall be liable to do road duty in said district, to the same extent and under the same penalties as are now prescribed by said general road laws for persons liable to do road duty thereunder; *Provided, however,* that any person subject to road duty within said district when summoned to perform said duty may, before default made in lieu of the performance of said duty, pay over to the secretary of said board such sum not less than one nor more than three dollars, as shall be fixed by said board; and all sums so paid in lieu of said road duty and all fines imposed and judgments collected for failure to do road duty, in said district, shall be paid over to the secretary of said board of trustees, to be expended under the direction of said board, in the repair and improvement of the public roads and streets in said district. No person residing in said district shall be liable to do road duty outside of the limits of said district, and no person residing outside of said limits shall be liable to do road duty within said district. And from and after the passage of this act, the county authorities of Russell county shall be relieved from the duty and obligation of providing for working the roads and repairing and keeping in order any of the bridges within the limits of said district, except such as have been built by contract with the county commissioners.

Liability to road duty.

Provide.

County authorities relieved.

SEC. 9. *Be it further enacted,* That the said board of trustees shall have the power to levy a tax for school purposes, not to exceed one-half of one per cent. upon all property, both real and personal, within the bounds of said school district; and the tax assessor of the county of Russell shall, by the direction of the said board of trustees, assess said tax, which said assessment shall be collected by the tax collector of Russell county, at the same time and in the same manner, with the annual State and county taxes, and said tax, when collected, shall be paid to the secretary of said board of trustees, less the fees for collecting and assessing, which shall be two and one-half per cent. for assessing, and two and one-half per cent. for collecting the same, and the secretary of said board shall hold the same subject to the order of said board of trustees for educational purposes, but said secretary, before any moneys shall be paid over to him under this act,

Board to levy school tax.

Tax collector to collect same

Secretary of  
board to give  
bond

shall be required to give bond, with two sureties, payable to said board of trustees in such sum as shall be fixed by said board, conditioned faithfully to discharge the duties which are, or may be required of him as such secretary, during the time he may continue in office, or discharge any of the duties thereof, which bond must be approved by said board, and safely kept by the president thereof.

Authority of  
president of  
board.

SEC. 10. *Be it further enacted*, That the president of said board of trustees, in addition to the power and authority given him in section six, as justice of the peace, shall have power and authority to enforce such ordinances as shall be made by said board of trustees in pursuance of the powers herein granted, for the full protection and welfare of the public schools and school interest in said district, and for the preservation of the peace and health and good order of said district, and to punish violations of such ordinances, by the imposition of fines, not exceeding fifty dollars, and imprisonment or hard labor upon the public streets and roads within said district not exceeding twenty days, and to enforce and collect said fines by execution against the property of offenders. And in case any person shall fail to pay the fine so imposed, or confess judgment with sufficient sureties for the same, may either imprison or sentence such person to hard labor under the direction of the marshal of said district on the public roads within said district as follows: if the fine exceeds twenty but does not exceed fifty dollars, twenty days; if it does not exceed twenty dollars, ten days; and all fines collected under this section shall be paid over to the secretary of said board, to be appropriated under the direction of said board, to such uses and expenses as shall be necessary and proper to effect the purposes and objects of this act. And said board are hereby empowered to provide a house of detention for the reception of persons committed or sentenced to imprisonment or hard labor by the president of said board as aforesaid; *Provided*, however, that from any judgment of the president of said board under this section and section 13 of this act, the defendant may take an appeal to the next term of the Circuit Court of Russell county, upon entering into bond, to be approved by said president, payable to said board, with two good sureties, in such sum as said president shall require, not greater however, than twice the fine and costs, when a fine is imposed, and not greater than one

Appeal to circuit court

hundred dollars, when imprisonment, or hard labor is imposed, conditioned to appear and prosecute such appeal to effect, and pay and satisfy the judgment with costs, in case the judgment shall be affirmed by said Circuit Court, or to appear and pay such judgment as said Circuit Court may render in said appeal cause, but, unless such bond be given within five days from the date of the judgment of said president, no appeal shall be allowed. If the defendant fails to appear in said Circuit Court when the case is called for trial, unless good cause is shown to the court for his absence, the judgment of the president of said board shall be affirmed by said Circuit Court, and if a fine was imposed, judgment rendered against the defendant and the sureties on his appeal bond for the amount of the fine and costs; and, if the defendant appears and judgment is rendered against him by the Circuit Court for money, the court must also render judgment against the sureties on his appeal bond, for the amount of said judgment and costs, but if the judgment of said court be, that the defendant be imprisoned, or put to hard labor, then said court shall render judgment against the defendant and his sureties for the costs of the appeal, and trial before the president of said board, and remand the defendant for punishment.

Approved December 5, 1884.

No. 116.]

AN ACT

[S. 5.]

To prevent the sale, or otherwise disposing of vinous, spirituous or malt liquors, or intoxicating bitters or beverages by whatsoever name designated, within three (3) miles of any coaling ground, coal mines, factory, furnace or rolling mill, in beats twenty-five (25) and twenty-nine (29) Blount county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any vinous, spirituous or malt liquors, intoxicating bitters or other intoxicating beverages, within three (3) miles of any coaling ground, coal mines, ore mines, furnace, factories or rolling mills, in

Prohibit'n law  
in Blount co.

beats twenty-five (25) and twenty-nine (29) Blount county.

Penalty.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty (50) dollars, and may be imprisoned in the county jail, not exceeding thirty (30) days, at discretion of the court trying the same.

Exception.

SEC. 3. *Be it further enacted*, That the provisions of this act shall not apply to any incorporated towns within the limits prescribed in this act, nor to any person or persons manufacturing, selling or giving away domestic wines, nor to the use of wines for sacramental purposes, nor shall they apply to physicians prescribing the aforesaid liquors in their practice, nor further, shall they apply to any person or persons who shall take or give one or more drinks in his private residence to any other person ; *Provided*, such use be restrained within the limits of temperance.

Approved December 6, 1884.

No. 117.]

AN ACT

[S. 6.

Granting the right of way to the Warrior Coal Fields Railroad Company through State lands.

Right of way,  
Warrior Coal  
Fields R. R.  
Co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the right of way, to-wit: A strip of land one hundred feet wide, over and through any lands in this State, belonging to the State, be and the same is hereby granted to the Warrior Coal Fields Railroad Company whenever said company may locate, or select for their road line, with right to use and cut timber on said strip for purposes of construction, or to clear the road-way.

Approved December 6th, 1884.

No. 118.]

AN ACT

[H. B. 356.]

To amend section two of an act to incorporate the town of Anniston, Calhoun county, Alabama, approved February 4th, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section (2) of an act entitled an act to incorporate the town of Anniston, Calhoun county, Alabama, approved February 4th, 1879, be amended so as to read as follows: Amendment.

*Be it enacted by the General Assembly of Alabama,* That an election shall be held in the town of Anniston, on the fourth Monday in January next, and on the first Monday in January annually thereafter, for the purpose of electing an intendant and five councilmen, eligible electors of said town, who shall serve for the term of one year and until their successors in office are elected and qualified, which election shall be held by three inspectors, qualified electors, appointed by the intendant and councilmen of Anniston. Election of intendant and councilmen in Anniston.

2. That said elections shall be conducted according to the laws governing elections for officers under the laws of this State except as herein changed, but no person shall be entitled to vote at said elections in said town unless he possesses the qualifications mentioned in the eighth article of the constitution of this State, and shall have resided in said town three months before the time of said election, and shall cause himself to be registered in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of election at the polling place in said town the certificate of such registration hereinafter provided. Qualification of voter.

3. At said election there shall be one poll opened in said town and it shall be the duty of the intendant to give ten days notice, by publication in a newspaper or by posting notices of the time of holding the election and the names of the inspectors of election. One poll.

4. That at least thirty days next preceding each election the intendant shall appoint a qualified elector to act as registrar of the voters of said town, who shall commence the registration of the qualified electors of said town on the 4th Monday of December, 1884, and on the

2d Monday annually thereafter next preceding each election, and shall continue the same for six days from 9 a. m. to 5 p. m. of each day after giving five days notice by posting printed notices in five or more public places in said town, of his appointment and of the time and place at which he will make registration of votes hereinafter required. Said registrar is hereby empowered to administer oaths to all persons who offer to register and to witnesses whom he may examine.

Time and place  
of registration.

Three months  
residence.

Oath.

Registrar to  
provide blanks  
and forms.

5. Said registrar must be satisfied by personal knowledge or sufficient evidence that each applicant for registration shall have resided three months in said town by the time of said election and will be legally entitled to vote at the then next election, according to the requirements hereinbefore set forth, and being so satisfied must thereupon cause each elector who is qualified to vote under this section to take and subscribe the oath hereinafter set out, and the name of each, either be subscribed to such oath by the elector himself, or if he can not write, then the registrar must at such elector's direction write his name and cause him to make his mark thereto, which shall be attested by said registrar under the appropriate head and in the prescribed form hereinafter set out.

6. The registrar shall provide himself with blanks printed and ruled on good paper suitable for binding in book form, for registration of electors, each of which shall be headed with the following oath and form, to-wit: Anniston, Alabama. We the undersigned registered electors, each for himself, do solemnly swear (or affirm) that I will support and maintain the constitution and the laws of the United States, and of the constitution of the State of Alabama; that I am not excluded from registering or voting by any of the clauses of any section of article eight of the constitution of Alabama, and that I shall have been a resident citizen of the town of Anniston, Alabama for three months immediately preceding the next election in said town, and that at said election I will be a qualified elector under the laws of the town of Anniston, Alabama.

No.	Date.	Names of electors.	Age of electors.	White or colored.	Registrar's attestation.	No. of residence and street.	Length of time there, where lived before.	Employer's name, vocation and remarks.	Form.
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I, ———, registrar for said town of Anniston, do hereby certify that the foregoing names of registered voters, from number one to number ——— inclusive, were duly registered by me according to law between the dates of ——— and ——— in said town of Anniston, and that each of said persons so registered took and subscribed before me the above and foregoing oath, on the days and dates set opposite their several names respectively.

Witness my hand this — day of — 18—.

—————, Registrar.

The names of the persons registered shall be numbered in the order of their registration. Said registrar must furnish each person at the time of his registration a certificate of registration as follows, to-wit:

No. —. Anniston, Alabama. I, ———, registrar, do hereby certify that ———, age —, color —, residing at No. —, on — street, registration No. —, this day registered before me as an elector in town of Anniston, Alabama, for the election to be held on the — day of —, 18—. ———, Registrar.

Certificate of registration.

The right of any person to be registered as a voter may be challenged in the same manner as hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said town. Said registrar shall have two correct copies of said original registration list to be made, one in the order of registration and as numbered, and the other, the names of persons registered, shall be arranged alphabetically, and he shall certify said original and copies over his signature, and within three days after the closing of the registration, to the intendant of said town. For his services said registrar shall receive two dollars per day for each day he has actually been employed; and it shall be the duty of said registrar to certify to the intendant and councilmen

Challenge.

Compensation of registrar.

the necessary expenses attending said registration, which claim shall be a preferred claim and paid out of the town treasury out of any money not otherwise appropriated.

Affidavit.

7. That before entering on the discharge of his duties, said registrar shall make and subscribe an affidavit before some officer authorized to take affidavits, that he will faithfully and truly perform the duties by this act imposed on him, and that he will register all persons who may personally apply therefor and show that they are legally entitled to vote at the next ensuing election, as by this section provided, and no other person, which affidavit shall be filed by said registrar in the office of the clerk of the said town council. The intendant shall cause at least fifty carefully prepared copies of the said alphabetically arranged registration list of the electors of said town to be printed, and shall furnish to each of the said inspectors of election one of said printed copies, and also the original registration list and copy thereof as certified to him by the registrar, to be used at such election. One of these printed copies shall be designated and used by said inspectors as the "official copy," and shall be by them returned, together with the manuscript copy of original registration list furnished them by the intendant with the ballots cast at such election, as part of their official returns as hereinafter directed. The intendant shall post,

Official list of election.

Intendant to have list post'd

at least ten days before the election, at the post office and three other public places in said town, a copy of said printed registration list. The said original list and the alphabetical manuscript copy, after said printed list shall have been prepared, shall be by the intendant deposited with the clerk of the council of the town, to be preserved among its records.

Duties of inspectors.

9. The inspectors of election shall not receive at said election the vote or ballot of any person whose name does not appear on the registration list, as furnished by the intendant, and who does not at the time of voting present and surrender to the inspectors of election his certificate of registration, issued to him under the provisions of this section, to be by said inspectors then and there cancelled, and who does not on demand make satisfactory proof of his identity with the person whose name may be on said registration list. The printed lists furnished by the intendant, shall be taken to be correct, subject, if error is alleged, to be corrected by comparison

with the original registration list of the town, which, for that purpose shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line with ink on the said official registration list over the name voted. The said inspectors shall, immediately after the polls are closed, proceed to count the ballots and compare them with the poll lists, and if two or more ballots are found rolled up or folded together, so as to induce the belief that the same was done with a fraudulent intent, they must be rejected, or if any ballot contains the names of more persons than the voter had a right to vote for, the first of such names on such ticket, to the number of persons the voter was entitled to vote for, only must be counted. As soon as they shall have finished the count and ascertained the number of votes received for each person and for what office, they must certify the result of the election to the intendant and councilmen of said town. They must also enclose the ballots cast, with the poll list, and the OFFICIAL COPY of said registration list, and the manuscript registration lists and the certificates of registration surrendered at the election, together with their tally sheets and certificate of the result, in the box in which was placed the ballots received at such election, and carefully sealing and locking the said box, deliver the same, with its contents, to the intendant, who shall give his receipt for the same, stating the condition of the box when received. The intendant and councilmen shall, within three days after said election, hold a meeting and open said box and from said certified returns declare the election of the persons who shall have received the highest number of legal votes to their respective offices, and shall give certificates of election to their respective offices to the persons so found to be elected. Said intendant and councilmen shall hold and safely keep for thirty days said poll list, ballots, tally sheets, registration certificates and certified returns and lists of registration. The judge of probate of Calhoun county shall have jurisdiction as provided in article 3, chapter 4, title 6, part 1 of Code for all contests of any election for any of the municipal officers of the town of Anniston, and all laws of the State of Alabama governing or applicable to contesting any election for the office of sheriff shall apply and govern in contesting any election for any

Inspectors'  
certificate.

a Boxes opened  
in three days &  
return made.

Duty of intendant and council in case of contest.

of said municipal offices of the town of Anniston, Alabama. If there be no contest said intendant and councilmen shall destroy all of said papers except said original registration lists, and the certified manuscript copies, which shall be preserved as hereinbefore provided.

10. Any person offering to vote at any municipal election in the town of Anniston, Alabama, may be challenged by either of the inspectors or by any qualified elector; and it is the duty of each inspector to challenge any person offering to vote whom he does not know or suspect to be qualified under this section as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath, to-wit: "You do solemnly swear that you will fully answer all such questions as may be put to you touching your qualifications as an elector." The inspectors, or one of them, must then examine him as to his qualifications under this section. They may also receive proof of his qualifications other than the oath of the challenged party, and are hereby empowered to administer oaths to all persons who offer to vote and to witnesses, whom they may examine, and must admit or reject the ballot of the challenged party as his right may be shown, and if any person refuses to take the above oath or to answer any of the questions propounded, except such as may tend to criminate himself, his vote must be rejected.

Penalty for voting fraudulently, &c.

11. Any person who falsely personates another and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration, or after once having voted at such election votes a second time, or attempts to vote a second time, or shall register as a person entitled to vote when he is not so entitled, or attempt to do so, or having once registered shall register a second time, or shall attempt a second registration, whether in the same or another name, or shall aid or assist another person not so entitled, knowing him not to be so entitled to register, or to vote, shall be guilty of a felony and on conviction shall be punished by imprisonment in the penitentiary for not less than six months or more than two years.

Approved December 8, 1884.

No. 119.]

AN ACT

[H. B. 333.]

To authorize the Court of County Commissioners of Chambers county to borrow money to settle the bonded indebtedness of said county and to provide for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Court of County Commissioners of Chambers county be and they are hereby authorized and empowered to borrow not exceeding thirty thousand dollars for the purpose of compromising and settling the bonded indebtedness of said county, and for that purpose said court is hereby authorized and empowered to issue the bonds of said county with interest added or coupons attached, in such denominations, having such times to run, and payable at such places, and bearing such rate of interest, not to exceed eight per cent. per annum, as such court may think proper; or to repay said money so borrowed, said court may issue interest bearing warrants upon the county treasurer payable at such times as may be agreed upon. Authorized to borrow money.

SEC. 2. *Be it further enacted,* That such bonds, coupons or warrants when so issued shall be transferable by delivery, shall be receivable in payment of all county taxes after their maturity, and shall be exempt from all State, county or municipal taxes. Bonds, coupons and warrants.

SEC. 3. *Be it further enacted,* That said bonds, coupons or warrants shall be signed by the judge of probate of said county, and the county treasurer shall keep a registry of the same, showing the number of each, to whom issued, the amount of each, and when the same are payable. Signed by probate judge.

SEC. 4. *Be it further enacted,* That to insure the prompt payment of said claims when they become due, the Court of County Commissioners of said county is hereby authorized, and it shall be their duty, to levy such a special tax as may be necessary, not to exceed the rate authorized by the Constitution of Alabama, upon the assessed value of all the real and personal property subject to taxation in said county, to be collected in the same manner and by the same officer as is provided by law for the collection of State and county taxes, and said tax Special tax.

when so collected shall be paid over to the county treasurer as other county taxes.

County commissioners vested with full powers.

SEC. 5. *Be it further enacted*, That the Court of County Commissioners of said county be and they are hereby invested with full power and authority to do and perform all things that may be necessary to carry into effect the intent and purpose of this act not inconsistent with law.

Approved December 9, 1884.

No. 120.]

AN ACT

[S. 2.]

To establish the City Court of Birmingham.

To establish city court of Birmingham.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby established, in and for the county of Jefferson an inferior court of law and equity which shall be called the "City Court of Birmingham," which court shall have and exercise all the jurisdiction and powers which now are, or may hereafter be by law conferred on the several circuit and chancery courts of this State, when exercising the jurisdiction and powers of courts of law. Said City Court of Birmingham shall conform to the rules of procedure and practice in the circuit courts of this State, and when exercising the powers and jurisdiction of courts of equity, it shall conform to the rules of procedure and practice in the chancery courts of this State, except where rules of procedure and practice are changed by this act; *Provided*, that the presiding judge of said court shall have power to make and adopt such rules of practice as may be required by a proper system of city practice and to amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court, and the same may be changed or annulled by the Supreme Court of the State.

Judge to make & adopt rules.

Appointment of judge.

Term.

SEC. 2. *Be it further enacted*, That a judge for said City Court of Birmingham shall be appointed by the governor of the State by and with the consent of the Senate within fifteen days after the approval of this act, whose term of service shall continue until the general election in the year 1886. At the said general election

in 1886 and every six years thereafter, a judge of said City Court shall be elected by the qualified voters of said county of Jefferson, whose term of service shall be six years from the date of his election. The judge so appointed by the governor and elected by the people as herein provided, shall take the oath of office required by law to be taken by the judges of the circuit courts, and shall be removed from office for the same causes and in the same manner as the judges of the circuit courts. He shall have and exercise all the jurisdiction and powers which are or may be hereafter lawfully exercised by judges of the circuit courts and chancellors of the State, including authority to issue writs of injunction, prohibition, *ne exeat* and all other remedial writs.

Election, 1886.

Oath.

Powers.

SEC. 3. *Be it further enacted*, That the judge of said City Court, during his continuance in office, shall reside in the county of Jefferson, and at the time of his election shall have been a citizen of this State and of the United States for the period of five years next preceding his election, and shall be not less than twenty-five years of age, and learned in the law. Vacancies in the office of judge of said City Court, shall be filled by the governor, and the person so appointed shall continue in office during the unexpired term of his predecessor, and until his successor shall be elected and qualified.

Vacancies.

SEC. 4. *Be it further enacted*, That the clerk and register for said City Court shall be appointed by the judge thereof, who shall hold his office during the term of the judge appointing him, unless sooner removed. Such clerk and register may be removed by said judge for cause specified in the order removing him; and also for such causes and in such manner as is, or may be provided by law for the removal of clerks of the circuit courts, under Sec. 3, Art. VII of the constitution. Before entering upon the duties of his office, such clerk and register shall give bond and security to be fixed and approved by the judge of said court, in a sum not less than five thousand dollars, which must be payable, conditioned, filed and recorded as required by law for bonds of clerks of the circuit courts. Such clerk and register shall have all the powers and perform all the duties which may be lawfully exercised or performed by clerks of the circuit courts, and registers in chancery in this State, including the power of issuing attachments, and other extraordi-

Clerk and register appointed of judge.

Bonds.

Duties.

Fees.	<p>nary process. His fees shall be the same as those allowed by law in like cases to said clerks and registers; and he shall be subject to the same liabilities and penalties in like cases as provided by law for such clerks and registers. He shall reside in Jefferson county during his continuance in office. Said court shall adopt and keep a seal, which shall be in the custody of said clerk and register.</p>
Liabilities.	<p>SEC. 5. <i>Be it further enacted</i>, That said court shall be held, and the office of the clerk and register, and the records thereof, shall be kept at the court house of said county of Jefferson. Said court shall hold two regular terms in each year, and may continue in session until the business thereof is disposed of. Special terms may also be held, when in the opinion of the judge of said court, they shall be necessary for the proper transaction of business, of which terms twenty days notice shall be given in some newspaper published in the city of Birmingham. The regular terms of said court shall be held on the first Monday in January and July in each year, and shall continue open until thirty days before the first day of the next term thereafter.</p>
Place of holding courts, and terms.	<p>SEC. 6. <i>Be it further enacted</i>, That in all civil cases at law in said City Court the defendants therein shall be required by the summons therein served upon them to appear and plead or demur to the complaint within thirty days after such service of summons and complaint upon them, whether the said service shall be executed in term time or vacation. In cases commenced otherwise than by suing out and service of summons and complaint, defendant shall appear and demur or plead within thirty days after perfection of service, notice or publication upon or to them, whether the same shall occur in term time or vacation, and in all cases after thirty days from such service, notice or perfection of publication, such cause shall be at issue and triable when the same shall be reached on the regular call of the docket. Any defendant failing for more than thirty days after such service, notice or perfection of publication in any cause, to appear therein and demur or plead, shall be held to be in default and judgment by default may be rendered against him whenever such cause shall be reached on the call of the docket; <i>Provided</i>, that for good cause shown, the judge of said City Court may allow demurrers, pleas or other defenses,</p>
Defendants in civil cases.	
Failure of defendant to appear.	
Demurrers and pleas.	

to be filed after such thirty days, on such terms as he may think just.

SEC. 7. *Be it further enacted*, That all original and *mesne* process issuing from said court, shall be executed *instanta*, and returned immediately upon the execution thereof by the officer receiving the same. Original and mesne process.

SEC. 8. *Be it further enacted*, That all appeals in Appeals. civil cases at law from inferior courts to said City Court shall stand for trial when reached on the regular call of the docket, at any time after thirty days notice of the suing out of such appeal shall have been given to the adverse party as required by law.

SEC. 9. *Be it further enacted*, That immediately after the passage and approval of this act, there shall be elected a solicitor for the county of Jefferson by joint Election of solicitor and term of office. ballot of the General Assembly, whose term of office shall continue until a successor is elected by the General Assembly in the year 1886, in the same manner and at the same time that solicitors for each of the judicial circuits are elected, and every six years thereafter, a county solicitor for Jefferson county shall be elected in like manner. The solicitor so elected shall hold office for the term of six Duties & compensation. years, and until his successor shall have been elected and qualified. And said solicitor for the county of Jefferson shall be charged with the performance of the same duties in said City Court, and subject to the same liabilities and penalties in respect thereto as are by law imposed upon circuit solicitors in like cases in the Circuit Courts of this State, and shall be entitled to the same compensation and fees as are allowed in similar cases, to solicitors of judicial circuits. Such county solicitor shall be learned in the law, and during his term of office, shall reside in Jefferson county, Alabama.

SEC. 10. *Be it further enacted*, That the grand and petit jurors for said City Court shall be drawn, summoned and empaneled in the same manner as is, or may be hereafter provided by law in respect to grand and petit jurors in the Circuit Courts of this State, except that the clerk and register of said City Court of Birmingham shall be charged with, and perform the same duties prescribed by law for the clerk of the Circuit Courts of this State relative to the drawing, summoning and empanneling of grand and petit jurors in said City Court of Birmingham, and venires for such jurors shall be issued in Grand and petit jurors.

the same manner as in and for the Circuit Courts of this State. And the said City Court shall have the same power as the Circuit Court to issue special venires, and call in tales jurors; *Provided*, that the judge of said court shall have power to direct for what weeks of the term jurors shall be summoned.

SEC. 11. *Be it further enacted*, That in all civil causes at law in said City Court, the issues and questions of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at his appearance, by endorsing such demand in writing on the summons and complaint, plea, or demurrer; *Provided*, that when a cause is transferred to said City Court, the demand for a jury shall be made at the time of the application for such transfer, and a failure to demand a jury as above directed shall be deemed and held a waiver of the right of trial by jury.

SEC. 12. *Be it further enacted*, That in the trial of any cause at law without a jury in said City Court, in addition to the questions which may be, under existing laws, presented to the Supreme Court for review, either party may, by bill of exception, also, present for review the conclusions and judgment of the court on the evidence, and the Supreme Court shall review the same, without any presumption in favor of the ruling of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as to the Supreme Court shall seem right.

SEC. 13. *Be it further enacted*, That the venire in any cause in said City Court may be changed to other counties than Jefferson, under the same rules and regulations as govern changes of venire in the Circuit Courts. Cases that are now, or may be hereafter pending in the circuit or chancery courts of Jefferson county may be transferred by consent of parties to said City Court, which shall thereupon proceed and dispose of the same as if they had been originally instituted in said City Court, and in like manner cases at law may be transferred to the Circuit Court and cases in equity to the Chancery Court of Jefferson county from said City Court by consent of parties; and the register or clerk, or clerk and register of

Powers as to  
special venires.

Trial without  
jury, unless de-  
manded.

Proviso.

Bill of excep-  
tions.

Venir's may be  
changed.

Register or cl'k  
to deliver pa-  
pers, &c.

the court from which said causes shall be so transferred, shall deliver all the papers, pleadings and evidence pertaining to said causes, together with a certified transcript of all minute entries made therein to the register, or clerk, or clerk and register of the court to which such causes shall be so transferred.

SEC. 14. *Be it further enacted*, That appeals may be taken to said City Court of Birmingham from inferior Appeals. courts in the county of Jefferson in all cases where appeals may by law be taken from such inferior courts to the Circuit Court of said county, and in the same manner.

SEC. 15. *Be it further enacted*, That the Supreme Court shall have appellate and supervisory jurisdiction over said City Court, and cases at law may be removed from said City Court to the Supreme Court in the same manner as from the Circuit Court, and equity causes in the same manner as from the Chancery Court. And the appellate and supervisory jurisdiction of the Supreme Court over said City Court, or the judge thereof, shall be exercised in the same manner as in like cases it is exercised over the Circuit Court or the judges thereof, or over the Chancery Court or chancellor.

SEC. 16. *Be it further enacted*, That the salary of the judge of said City Court shall be the same as that fixed by law for the payment of circuit judges and chancellors in this State, and the same shall be payable quarterly at the treasury of the county of Jefferson upon the order of said judge, and the same shall be a preferred claim against said county and receivable in payment of taxes due to the same.

SEC. 17. *Be it further enacted*, That there may be temporary adjournments of said City Court during the terms thereof, such as may be deemed expedient and proper by the judge of the same.

SEC. 18. *Be it further enacted*, That the sheriff, coroner and constables of the county of Jefferson shall be required to attend said City Court, preserve order and execute and return its process and perform such other duties in all respects as in the circuit and chancery courts. And the fees of said officers for services rendered, and the compensation of jurors and witnesses in said City Court shall be the same as are, or may be allowed by law for like services in the circuit and chancery courts, and

Solicitor pro  
tem.

such officers, jurors and witnesses shall be subject to the same penalties and liabilities as when acting under the authority of the circuit or chancery courts of the State. The judge of said court shall have authority to appoint a solicitor *pro tempore* in cases of the absence or disqualification of the proper regular solicitor of the court.

Execution issued in term  
time.

SEC. 19. *Be it further enacted*, That after ten days from the rendition of any judgment or decree in said court, unless such judgment or decree direct otherwise, the clerk and register of said court, whenever requested to do so in writing, entered upon the docket and signed by the person entitled to execution, his attorney or agent shall issue execution in term time, returnable to the next term of said court; *Provided*, that nothing herein contained shall prevent any person from making affidavit and having execution issued immediately, as now provided by law; *Provided further*, that unless executions have been otherwise issued, they shall be issued and returned as now required by law in the Circuit Court of Jefferson county; *And provided moreover*, that nothing herein contained, shall prevent the superseding of executions after issuance of the same, upon filing bond as now required by law.

Proviso.

Laws in force  
in circuit and  
chancery co'rts  
extended to ci-  
ty court.

SEC. 20. *Be it further enacted*, That all laws of a general nature now in force, or that may be hereafter enacted, giving jurisdiction to the circuit and chancery courts of this State, shall be held to extend and apply to the said City Court, although said City Court may not be mentioned therein, unless the contrary be expressly provided, but the provisions of sections eight and nine of this act shall not be changed by any general law, unless such law shall be made expressly applicable to said City Court by name.

Repeal of con-  
flicting laws.

SEC. 21. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Approved December 9, 1884.

No. 121.]

AN ACT

[S. 96.]

To amend the charter of the Rome and Decatur Rail Road Company as chartered under the general laws of the State of Alabama, and to enable said company to engage in mining and manufacturing operations.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Rome and Decatur Rail Road Company be and it is hereby authorized and empowered to lay out, construct, equip and use such a railroad of such gauge as they may elect in the State of Alabama, to commence at a point on the State line of Georgia and Alabama whereon said railroad will strike said State line, running from the city of Rome, in the State of Georgia, in a westerly direction, through the counties of Cherokee, DeKalb, Marshall and Morgan to the town of Decatur, in said county of Morgan, in the State of Alabama, and by and upon such route from said point on said State line to Decatur, as aforesaid, as they may choose or adopt, and to use and enjoy the same, and to charge for the transportation of passengers and freights, such rates as may be just, reasonable and legal, subject to all the rights, privileges and disabilities granted to and imposed upon it under its charter. Amendment.  
Privileges extended.

SEC. 2. *Be it further enacted*, That said railroad company be and it is hereby authorized and empowered to purchase, receive, hold, acquire and enjoy to itself and its successors, lands, tenements, and hereditaments, rents, profits, goods and property, both real and personal, of whatever kinds, nature, quality, or quantity, as may by it be deemed necessary, convenient or useful in the digging, raising, mining, coking, transporting or selling coal, coke, iron, ore and all other minerals, or in the manufacture of iron, or manufacturing establishments, as said company may erect or deem necessary or profitable for the purpose of running said railroad and developing the resources of the country, with the full power and authority to rent or lease any or all of its said lands, tenements and hereditaments, mineral interests, rights and privileges, for such length of time as it may deem advisable, not to exceed a term of ninety-nine years. Empowered to purchase, rent, lease, &c.

SEC. 3. *Be it further enacted*, That said railroad company be and it is hereby authorized and empowered to To hold and enjoy.

take hold and enjoy for itself and its successors, all lands and mineral rights and other rights heretofore conveyed to it, for railroads, mining, manufacturing or other purposes.

Locate & construct railroads

SEC. 4. *Be it further enacted*, That said railroad company be and it is hereby authorized and empowered to locate and construct as many branch railroads, or railroads and tramways, and common roads of such gauge and width, not exceeding one hundred feet, as may be deemed necessary, from its main line of railroad to its mines, works, ore beds, cooling and coking grounds, or to or from its depots, turnouts and side tracks, to and from its manufacturing establishments as it may see proper to establish along the line of said Rome and Decatur Railroad, or on said railroad company's property.

To lay out track.

SEC. 5. *Be it further enacted*, That said railroad company be and hereby is authorized and empowered to lay out its said railroads and tramways and common roads from its mines, works, ore beds, cooling and coking grounds and manufacturing establishments to such depots, turnouts and side tracks on the main or branch lines of railroads of said Rome and Decatur Rail Road Company, not exceeding one hundred feet in width through the whole length of the same, to purchase or otherwise acquire the rights of way, obtain stone, earth, gravel, timber and other materials necessary to construct or make cuttings, throw up embankments, build bridges, to establish platforms, warehouses, stations, tournouts, depots, elevators, coal shutes, and all other buildings necessary for mining, manufacturing, or railroad purposes.

Right of way.

SEC. 6. *Be it further enacted*, That if the owner or owners of the lands which may be required for the uses and purposes in this act mentioned, cannot agree with said corporation on the value of the damages, or in case such owner is an infant, non-resident, or *non compos mentis*, such value or damages shall be ascertained in the manner directed by the general laws of the State of Alabama in such cases made and provided.

May consolidate with other companies.

SEC. 7. *Be it further enacted*, That said Rome and Decatur Rail Road Company may unite and consolidate its railroads and franchises, rights and privileges with the railroad or railroads, franchises, rights and privileges of any other railroad company or companies in the State of Alabama, or any other State.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved December 9, 1884.

No. 122.]

AN ACT

[S. 112.]

To provide for the election of officers for the town of Leighton in the counties of Lawrence and Colbert in the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whereas, the corporation of the town of Leighton in the counties of Colbert and Lawrence in the State of Alabama, which town was incorporated by act of the legislature of this State, approved April 15th, 1873 (Acts 1873-4, page 347), and amended by act, approved February 23d, 1875 (Acts 1874-5, page 423), has failed to elect officers at the time and in the manner prescribed by the charter, and whereas, said town is now wholly without officers, therefore,

*Be it enacted by the General Assembly of Alabama*, That an election shall be held on the second Monday in January, 1885, or as early thereafter as practicable in said town of Leighton, to commence at ten o'clock a. m. in the said day and to close at four o'clock p. m., for the purpose of electing four councilmen and an intendant of said town, who shall hold and serve until the first Monday in April, 1886, and until their successors are qualified, which said election shall be held by J. L. Walker, C. M. Wright and Robert K. Goodwin, resident citizens of said town; and in the event either of said parties fail to attend, or refuse to act then their place may be supplied from the freeholders of said town, to be selected by such one or more of said parties as may attend and are willing to act. All subsequent elections shall be held at the time and in the manner prescribed by the present charter of said town, and officers elected at such subsequent elections, shall hold and serve for the term of one year, and until their successors are qualified.

SEC. 2. *Be it further enacted*, That notice of the time of holding said election on the second Monday in

January, 1885, shall be given by posting up written notices at three public places in said town, for ten days previous to said election. Said notice may be signed by one or more of the parties appointed by this act to hold said election.

Approved December 9, 1884.

No. 123.]

AN ACT

[H. B. 442.

To authorize an election to prohibit the sale, giving away or otherwise disposing of for gain, spirituous, vinous or malt liquors, or intoxicating bitters and the manufacture thereof within the county of Jackson.

Prohibitory  
election in  
Jackson co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever ten or more resident householders and freeholders of Jackson county file in the office of the judge of probate of said county, a petition in writing praying for an election to procure prohibition of the manufacture and sale of intoxicating liquors in said county, it shall be the duty of said judge to order an election and fix the time of holding the same, which shall not be more than ninety nor less than forty days from the time of filing said petition.

Sheriff to give  
notice.

SEC. 2. *Be it further enacted,* That the sheriff of said county shall give notice at least thirty days before the time so fixed for such election to be held by publication as now required by section two hundred and sixty-one of the code of Alabama, and inspectors and returning officers shall be appointed for all the election precincts in the county as now required by law for general elections.

Legal election.

SEC. 3. *Be it further enacted,* That upon the day so appointed an election shall be held at the voting places in the several precincts of the county, and all persons who are at the time qualified voters under the general election laws of this State shall be entitled to vote at such election, and such election in all respects be governed by the general election laws of the State, in force at the time of said election, except that inspectors and returning officers shall not be entitled to compensation for services.

SEC. 4. *Be it further enacted*, That at such election, those who desire to vote for prohibition shall deposit their ballots with the words, "For Prohibition," printed or written thereon, and those who desire to vote against prohibition, shall deposit their votes with the words, "against prohibition," printed or written thereon. When the votes so cast are returned and counted by the board of supervisors, as now required by law for general elections, the result of said election shall be, by the judge of probate within ten days, published in the papers printed in said county; said publication shall be twice made.

SEC. 5. *Be it further enacted*, That if the result of said election shall be in favor of "prohibition," then it shall be unlawful for any person, firm, or corporation, to manufacture, sell, give away, or otherwise dispose of for gain or recompense, any spirituous or malt liquors or intoxicating bitters, within the county of Jackson.

SEC. 6. *Be it further enacted*, That any person who shall violate the provision of the preceding section shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, which shall be paid in money, and on conviction of the same defendant for a second offense in addition to said penalty, may be returned to imprisonment in the county jail, or hard labor for the county, for not more than twelve months, at the discretion of the court or jury trying the same.

SEC. 7. *Be it further enacted*, That any person who makes, sells, or gives away, or aids in selling or giving away or makes any intoxicating liquors or beverages of any description in said county, on the day any election provided for by this act is held, shall be guilty of a misdemeanor and on conviction shall be fined not less than five hundred dollars, or sentenced to hard labor for the county, for not less than twelve months, one or both, at the discretion of the court or jury trying the same.

SEC. 8. *Be it further enacted*, That on and after the filing of the petition provided for in the first section of this act, it shall be unlawful for the probate judge or any other person whose duty it may be to issue license to retail vinous, spirituous or malt liquors, to issue such license until after said election shall be held, and not then unless the majority vote shall be against prohibition.

SEC. 9. *Be it further enacted*, That no more than one

Only one elec-  
tion in two y'rs

election under the provisions of this act shall be held every two years, nor shall said election be held at the time of holding any general election in the State of Alabama.

SEC. 10. *Be it further enacted*, That nothing in this act shall be so construed as to repeal or in any manner affect any prohibitory law by special act or local option law now in force in said county, or in force at the time of such election or prevent any election in any precinct, town or other designated place where a vote is sought for prohibition under any law now in force in Alabama, and that all laws or parts of laws contravening the provisions of this be and they are hereby repealed.

Approved December 9, 1884.

No. 124.]

AN ACT

[H. B. 23.

To prohibit the sale, or giving away or otherwise disposing of spirituous, vinous, or malt liquors, or other intoxicating beverages within the limits of Chickasaw Beat (No. 5), Colbert county, Alabama.

Prohibition,  
Colbert co.

Exceptions.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors or intoxicating bitters or beverages within the limits of Chickasaw Beat (No. 5), Colbert county, Alabama; *Provided*, that the provision of this act shall not be so construed as to prevent the use of wines for sacramental purposes or the social or domestic use of such liquors in private residences; *and provided further*, that nothing in this act contained shall be so construed as to prevent regular practicing physicians who have complied with the laws regulating the practice of medicine in this State, from keeping and administering such liquors, when necessary in their actual legitimate practice, but this provision shall not be so construed as to allow or legalize any other sale or other disposition of any such liquors or compound thereof made on the prescription or order of any physician.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the foregoing section shall, on

conviction, be fined not less than one hundred nor more than five hundred dollars for each offense, and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months at the discretion of the court trying the same; *and provided further*, that this act go into effect from and after its passage or as soon as the license now in force in said beat shall expire. <sup>Penalty.</sup>

Approved December 10, 1884.

No. 125.]

AN ACT

[H. B. 516.]

To provide for a system of water works for the city of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the City Council of Montgomery be and it is hereby authorized to buy or to erect and maintain water works for the supply of the city of Montgomery with water, and for that purpose may issue bonds of the city of Montgomery to an amount not exceeding two hundred thousand dollars, to run such time, not exceeding thirty years from their date, and to bear such interest, not exceeding eight per cent., as may be determined by the said city council. <sup>Water works; city of Montgomery.</sup>

SEC. 2. *Be it further enacted*, That the bonds to be issued under this act shall be coupon bonds, bearing interest payable semi-annually or quarterly at such place or places as may be designated therein, and shall be issued under the corporate seal of the said city council and be signed by the mayor and clerk of said city, and none of said bonds shall be of a lower denomination than of one hundred dollars, and shall not be sold or disposed of by the said city council at less than ninety cents upon the dollar. <sup>Bonds, coupons, &c.</sup>

SEC. 3. *Be it further enacted*, That full power be and is hereby given to the said city council to enter into, and to make all needful contracts necessary or proper for acquiring a location or locations for machinery and reservoirs, and rights of way for the erection, maintenance and operation of such water works, and in the event of not contracting for such locations and rights of way, to <sup>Right of way.</sup>

condemn the same by judicial proceedings as in the mode of rights of way for railroads.

Management;  
water rates.

Right to mort-  
gage.

SEC. 4. *Be it further enacted*, That the said city council shall have full power to make all proper regulations for the management of such water works when established, and to collect such rates for water supplied as it may deem just and proper; and power is also given to such city council to mortgage said water works and the incomes therefrom for the payment of such bonds, and the interest thereon, as may be issued under the authority of this act. And if the City Council of Montgomery purchases the property, rights and franchises of the Montgomery Water Works, said city council may mortgage the right, franchise and privilege of laying water pipes in the streets of said city, to further secure the payment of the principal and interest of the bonds authorized to be issued under this act; and said city council may make all such contracts and agreements as may be necessary to carry into effect any terms of purchase which may be agreed on between said city council and said water works.

Vote of eight  
aldermen nec-  
essary to issue  
bonds.

SEC. 5. *Be it further enacted*, That no bonds shall be issued under this act except by a vote of eight aldermen or of the mayor and seven aldermen duly entered on the minutes of the City Council of Montgomery.

Bonds & cou-  
pons negotia-  
ble.

SEC. 6. *Be it further enacted*, That the bonds, and coupons for interest thereon, issued under this act, shall be negotiable paper, and may be made payable to bearer, but the holder of any such bond may convert the same into a registered bond by an entry on the back of such bond made in the presence of and witnessed by the treasurer of said city, and thereafter, while said bond remains so registered, the same shall not be either negotiable or assignable, and the principal sum of all bonds so registered and the coupons for interest thereon, shall be paid by such treasurer only to the person in whose name the same are registered, or to the personal representative or successor in trust, of such person; it shall be the duty of the city treasurer to keep a record of the bonds so registered, and any bond so registered may be rendered again negotiable by an indorsement thereon by the lawful holder thereof, made in the presence of and witnessed by the city treasurer, who shall thereupon note on the record of registration, that such bond so endorsed is no longer

Duty of city  
treasurer.

registered; such endorsement can only be made by the person in whose name the bond is registered, or the personal representative or successor in trust of such person, and the city treasurer, together with the sureties on his bond, shall be liable for all damages which may result to any person by reason of allowing the indorsement of any registered bond by any person other than the person in whose name the same is registered or the personal representative or successor in trust of such person; but in all cases where the treasurer shall have any doubt of the right or lawful authority of any personal representative or successor in trust to make said indorsement, the treasurer may require the person claiming the right to make such indorsement, to procure, at his or her own expense, the decree of a court of competent jurisdiction authorizing such person to make such indorsement, and such decree shall protect the treasurer from all liability for allowing such indorsement.

Treas'er, when  
in doubt.

SEC 7. *Be it further enacted*, That it shall be the duty of said city council to charge to individuals and private corporations who may be supplied with water from the water works to be purchased or erected under this act, a rate for the water used or consumed by such persons or private corporations sufficient to pay the interest on the bonds which may be issued under this act; and to collect the dues for water so used and apply the same to the payment of such interest.

Charges and  
collections.

Approved December 10, 1884.

No. 126.]

AN ACT

[S. B. 4.

To prevent the sale, or giving away or otherwise disposing of vinous, spirituous or malt liquors or intoxicating bitters or beverages by whatsoever name designated, within three miles of any cooling ground, coal mine, ore mine, factory, furnace or rolling-mill, in beats one, two, three, and seventeen, and Hillman's mines in beat nine, and of Woodward's coal mines in Bethlehem beat in Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of* Prohibition in  
*Alabama*, That from and after the passage of this act, it Jefferson co.

shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any vinous, malt or spirituous liquors, intoxicating bitters, or other intoxicating beverages, within three miles of any cooling ground, coal mines, ore mines, furnaces, factories, or rolling-mill in beats one, two, three, seventeen, and of Hillman's mines in beat nine, and of Woodward's coal mines in Bethlehem beat in the county of Jefferson.

**Penalty.** SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars, nor more than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county not exceeding thirty days, at the discretion of the court or jury trying the same.

**Does not apply to incorporat'd towns.** SEC. 3. *Be it further enacted*, That the provisions of this act shall not apply to the town of Warrior, or to any other town now incorporated, or which may hereafter be incorporated within the limits prescribed in this act; nor to the use of wines for sacramental purposes, nor to physicians prescribing the aforesaid liquors in their practice; nor further, shall they apply to any person or persons who shall take or give one or more drinks in a private residence.

Approved December 11, 1884.

No. 127.]

AN ACT

[S. B. 153.

To amend sections one, five and eight of an act approved December 5th, 1882, entitled an act to authorize the probate judge in Chambers county to order an election in said county to prevent the sale, giving or other disposition of vinous, spirituous or malt liquors, or intoxicating bitters, within the limits of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of said act be and the same is hereby amended so as to read as follows:

**Prohibitory election in Chambers co.**

That after the passage of this bill, when twenty persons or more desire to prevent the sale, or giving away or otherwise disposing of vinous, spirituous or malt liquors

or intoxicating bitters within the limits of Chambers county, they may petition in writing the probate judge of said county, setting forth in said petition that in the opinion of the petitioners the public good will be promoted by a prohibition of the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors or intoxicating bitters within the limits of said county, which petition shall be verified by the oath of one of applicants; *Provided*, the petitioners shall be freeholders of said county.

SEC. 2. *Be it further enacted*, That section 5 of said act be, and the same is hereby amended so as to read as follows:

That if the probate judge, on opening such election returns, finds that there were more votes cast at said election in favor of prohibition than were cast against it, then he shall make an order on the minutes of the Probate court prohibiting the sale, giving or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters within said county, and cause a copy of said order to be inserted in some newspaper published in said county, once a week for three consecutive weeks, or cause the same to be posted at three public places in the county. And after the expiration of thirty days after making of said order, it shall not be lawful for any person to sell, give away or otherwise dispose of vinous, spirituous or malt liquors or intoxicating bitters within the limits of said county of Chambers; and any person found guilty thereof shall be punished in the same manner as is now prescribed by law against persons engaged in retailing vinous, spirituous or malt liquors without license; *Provided*, that the rights of any one holding license as a retail or wholesale liquor dealer shall not be affected hereby until the expiration of such license; *Provided further*, That any licensed practicing physician, or licensed druggist, in said county may keep and dispose of vinous, spirituous or malt liquor, intoxicating bitters for medical or sacramental purposes alone. That the quantity of spirituous, vinous or malt liquors kept on hand by such physician or druggist shall not exceed five gallons of a kind at any one time, and he shall dispose of such liquors in no other way than under medical prescription from a practicing physician who has subscribed to an oath, that he will not prescribe vinous, spirituous or malt liquors or intoxi-

Duty of probate judge.

Goes into effect.

Proviso.

cating bitters, for any person except in cases of absolute medical necessity, which said oath must be made before the probate judge of the county in writing and recorded by said judge in his office.

SEC. 3. *Be it further enacted*, That section 8 of said act be, and the same is amended so as to read as follows:

If no prohibition applicat'n dismissed.

That if on the returns of said election to the probate judge it appears that more votes were cast against than in favor of prohibition, then said judge shall make an order dismissing said application, and the cost attending said election shall be paid out of the same fund and in the same manner that the expenses of elections for county officers are paid out of.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this bill be and they are hereby repealed.

Approved December 11, 1884.

No. 128.]

AN ACT

[S. 165.

To regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters, or patent medicines having alcohol as a base, in Talladega county.

Prohibitory election in Talladega county

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever fifty or more resident householders and freeholders of Talladega county file in the office of judge of probate of said county, a petition in writing, praying for an election, to ascertain the wishes of the people of said county as to the prohibition of the sale of intoxicating liquors in said county, it shall be the duty of said judge to order an election and fix the time for holding the same, which shall not be more than sixty nor less than thirty days from the time of the filing of said petition.

Sheriff to give notice.

SEC. 2. *Be it further enacted*, That the sheriff of said county shall give notice, at least forty days before the time so fixed for such election, of the time of holding and the purpose for which such election is held by publication as now required by section 261 of the code of Alabama, and inspectors and returning officers shall be

appointed for all the precincts in the county as now required by law for the holding of general elections.

SEC. 3. *Be it further enacted*, That upon the day so appointed an election shall be held at the voting places in the several precincts of the county where the people desire to vote, and all persons who are at the time qualified voters, under the general election laws of this State, shall be entitled to vote at such election, and such election shall, in all respects be governed by the general election laws of this State which may be in force at the time, except that inspectors and returning officers shall not be entitled to any compensation for their services. Time and place

SEC. 4. *Be it further enacted*, That at such election those who desire to vote for prohibition, shall deposit their ballots with the words "For Prohibition" printed or written thereon, and those who desire to vote against prohibition, shall deposit their ballots with the words "Against Prohibition" printed or written upon them. When the votes so cast are returned and counted by the board of supervisors as required by law, if it be found that a majority of all the votes cast and so counted in the county are "For Prohibition," then it shall be the duty of the probate judge to record the result in his office and to give notice for thirty days by publication in all the newspapers published in the county, that a majority of the qualified voters who voted at said election, voted for prohibition. Mode of voting

SEC. 5. *Be it further enacted*, That after the expiration of said thirty days notice, it shall be unlawful for any person, firm or corporation to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters, or any brand of bitters or medicine with sufficient alcohol or spirituous liquors therein to make a man drunk, within the county of Talladega. Goes into effect.

SEC. 6. *Be it further enacted*, That any person or persons who shall violate the provisions of the preceding section 5, shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than three hundred dollars, which fine shall be paid in money; and for the second offense, in addition to said penalty, may be sentenced to imprisonment in the county jail, or hard labor for the county for not less than one month, nor more than six months, one or both, at the discretion of the court or jury trying the same. Penalty.

**Prohibitory on election day.** SEC. 7. *Be it further enacted,* That any person or persons who sell or give away any intoxicating liquors in said county on the day any election, provided for by this act, is held, or within two days next preceding such election, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned, one or both at the discretion of the court or jury trying the same.

**Exceptions.** SEC. 8. *Be it further enacted,* That nothing in this act shall be so construed as to prevent the use of wine for sacramental purposes, or the use of any kind of liquors for domestic purposes, or the sale of wine in not less quantities than one gallon by persons who manufacture it from grapes or berries, in which there is no intermixture of alcohol.

**Duty of probate judge.** SEC. 9. *Be it further enacted,* That this act shall be so construed, that if an election is held in pursuance of its provisions during the year 1885, the prohibition provided for by the fifth and sixth sections of this act, shall not take effect till after the 30th day of April, 1885, and that the probate judge of Talladega county shall not issue to any person or persons a liquor license from the 1st of January, 1885, for a longer period than the 30th day of April, 1885. And if the result of the election be in favor of "Against Prohibition" the said judge of probate can issue liquor license from the 30th day of April, 1885, under the law as it now is.

SEC. 10. *Be it further enacted,* That nothing in this act shall be so construed as to repeal or in any manner effect any prohibitory law now in force, or which may hereafter be enacted for the prohibition of the sale of any intoxicating liquors in any part of Talladega county.

Approved December 11, 1884.

No. 129.]

AN ACT

[S. 170.]

To permit any licensed druggist or druggist to sell, give away or otherwise dispose of vinous, spirituous or malt liquors or intoxicating bitters in Jefferson Beat, Marengo county, on the written prescription of any licensed practicing physician of said county of Marengo.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That on and after the passage of this act, any licensed druggist or druggist shall be permitted to sell, give away or otherwise dispose of vinous, spirituous or malt liquors or intoxicating bitters in Jefferson Beat, Marengo county, on the written prescription of any licensed practicing physician of said Marengo county. Druggists authorized to sell liquors in Marengo county.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed. Repeal of conflicting laws.

Approved December. 11, 1884.

No. 130.]

AN ACT

[S. 10.]

To change the boundary line between the school districts in Lauderdale county, known as township one, range eight, west, and township one, range nine, west.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the boundary line between the school districts, known as township one, range eight, west, and township one, range nine, west, be changed so that in place of being the township line, it shall be as follows, to-wit: Commencing at Hurricane creek where the same intersects the northern township line, thence in a southerly direction along said creek to where it flows into Blue Water creek, thence along Blue Water creek to the southern township line. Boundary line of school dist.s in Lauderdale county.

SEC. 2. *Be it further enacted,* That all that part of said territory lying east of said line, shall constitute a separate school district, known as township one, range eight, west, and that part lying west of said line, shall Sep'rate school district.

constitute a separate school district, known as township one, range nine, west.

Approved December 11, 1884.

No. 131.]

AN ACT

[S. 98.]

To prohibit the manufacture, sale, giving away or other disposition of spirituous, vinous or malt liquors or intoxicating bitters in Beat No. 4, in Marion county, except in certain cases.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall be unlawful for any person to manufacture, sell, give away, or otherwise dispose of spirituous, vinous or malt liquors or intoxicating bitters in Beat No. 4, in Marion county, except in cases of physicians and licensed druggist who are authorized to sell, give away or otherwise dispose of such liquors upon the requisition or prescription of a physician for medical purposes.

Exceptions.

**SEC. 2.** *Be it further enacted,* That nothing in this act contained shall prevent persons from using said liquors in their own houses, nor shall it prevent the use of wine for sacramental purposes.

Penalty.

**SEC. 3.** *Be it further enacted,* That any person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and must, on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding twelve months, at the discretion of the jury trying the case.

Approved December 11, 1884.

No. 132.]

AN ACT

[H. B. 31.]

To prohibit the sale of spirituous, vinous and malt liquors in Dallas County, outside the corporate limits and police jurisdiction of Selma.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* Any person who sells, gives away or otherwise disposes of vinous, spirituous or malt liquors, or intoxicating bitters, beverages or drinks, or fruits preserved in alcohol, or alcoholic liquors, in Dallas county, outside the corporate limits and police jurisdiction of the city of Selma, shall be guilty of a misdemeanor and on first conviction shall be fined not less than fifty dollars, and on a second and every subsequent conviction shall be confined at hard labor for the county for not less than thirty nor more than ninety days. Liquor prohibition in Dallas county.

SEC. 2. This act shall not be construed or held to prevent the sale and use of wine for sacramental purposes, nor to prevent the use of any of the above named liquors in private families, nor to prevent regularly licensed and practicing physicians from administering any of the above named liquors whenever they deem it necessary. Exception.

SEC. 3. For every conviction under this act, the solicitor shall be entitled to a fee of fifty dollars, to be taxed and collected out of the defendant as provided by law in other cases of conviction. Solicitor's fee.

Approved December 12, 1884.

No. 133.]

AN ACT

[H. B. 32.]

To authorize the Probate Judge of Etowah county to order an election to determine whether spirituous, vinous or malt liquors, or other intoxicating beverages, shall be sold, given away, or otherwise disposed of, in said county, the same being prohibited by an act entitled an act to prohibit the sale of spirituous, vinous or malt liquors, or other intoxicating beverages in the counties of Etowah, Cherokee, DeKalb and Tallapoosa, approved February 28, 1881.

SECTION 1. *Be it enacted by the General Assembly of*

Prohibitory  
election in  
Etowah co.

*Alabama*, That within ten days after the passage of this act, it shall be the duty of the probate judge of Etowah county, and he is hereby authorized and required to order an election in said county to determine whether spirituous, vinous or malt liquors, or other intoxicating beverages, shall be sold, given away or otherwise disposed of in said county, the same being prohibited by an act entitled an act to prohibit the sale of spirituous, vinous or malt liquors, or other intoxicating beverages in the counties of Etowah, Cherokee, DeKalb and Tallapoosa.

Time & place. SEC. 2. *Be it further enacted*, That said election shall be held at the usual voting places in said county, on a day ordered by the probate judge, the same not being less than thirty nor more than fifty days after the publication of said order, said election to be held and conducted in all respects under the laws not inconsistent with this act governing general elections in this State; *Provided*, that clerks and managers of elections shall have no pay for their services in such election.

Mode of voting SEC. 3. *Be it further enacted*, That at such election the persons voting in favor of prohibition shall write or print upon their tickets "Prohibition," and those voting in opposition, shall write or print upon their tickets "No Prohibition."

Result. SEC. 4. *Be it further enacted*, That if it appear to the probate judge on opening such election returns that a majority of the electors voting at such election, voted in favor of "No Prohibition," then he shall record the result in the minutes of the probate court of said county, and it shall be his duty, and he is hereby authorized and required to grant licenses to any person who has complied with the general laws governing the sale or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating beverages in this State, to sell the same under the general laws governing the sale of said liquors; *Provided*, that this act shall not have the effect to repeal or alter said act of February 28, 1881, entitled an act to prohibit the sale of spirituous, vinous or malt liquors, or other intoxicating beverages in the counties of Etowah, Cherokee, DeKalb and Tallapoosa, unless at said election a majority of the voters thereat shall vote "No Prohibition" and the result is so recorded as provided.

SEC. 5. *Be it further enacted*, That all laws and parts

of laws so far as the same conflict with the provisions of this law, be and the same are hereby repealed.

Approved December 12, 1884.

No. 134.]

AN ACT

[H. B. 37.

To repeal an act entitled an act to authorize the assessment and the collection of the tax upon the lands belonging to the estate of O. S. Prince, deceased, by the tax assessor and collector of the county of Tuskaloosa, and exempt the same from assessment and collection of tax in the county of Hale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That "an act entitled an act to authorize the assessment and the collection of the tax upon the lands belonging to the estate of O. S. Prince, deceased, by the tax assessor and collector of the county of Tuskaloosa, and exempt the same from assessment and collection of tax in the county of Hale," approved 18th December, 1874, be and the same is hereby repealed.

Approved December 12, 1884.

No. 135.]

AN ACT

[H. B. 300.

To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages at or within certain localities in this State hereinafter designated, to-wit: At or within the bounds of Pleasant Site beat, in Franklin county, Alabama; and at or within five miles of the railway station-house at Beaver Meadow, in the county of Mobile; and at or within three miles of Harmony church, in Blount county; and at or within six miles of Octagon church, in Marengo county; and at or within two miles of Shiloh church, in Blount county; and at or within a radius of three miles of Cowikee Baptist church, and one and one-half miles of Providence Methodist church, in Barbour

county (and other places), approved February 23, 1883, so far as the same prevents said sales at Batesville, in Barbour county.

Prohibition  
amendment.

Localities

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating bitters or beverages, at or within certain localities in this State hereinafter designated, to-wit: At or within the bounds of Pleasant Site beat, in Franklin county, Alabama; and at or within five miles of the railway station-house at Beaver Meadow, in the county of Mobile; and at or within three miles of Harmony church in Blount county; and at or within six miles of Octagon church, in Marengo county; and at or within two miles of Shiloh church, in Blount county; and at or within a radius of three miles of Cowikee Baptist church, and one and one-half miles of Providence Methodist church, in Barbour county; and at or within three miles of Sandy Point church, in Barbour county; and in Mount Meigs and McGehee's Switch beats, in Montgomery county; and in that portion of Shelby county lying west of a line one mile east of west line of range three west, in townships 22-21, and that portion of township south which lies south of the Cahaba river; and at or within two miles of Shady Grove church and school-house, in Pike county, except in Linwood; and at or within three and one-half miles of Asbury church, in beat No. 8, in Calhoun county; and at or within four miles of White Plains Academy, Chambers county; and at or within beat 4, in Shelby county; and at or within four miles of Deatsville, Elmore county; and at or within four miles of Mount Zion, Providence and Fair Prospect churches in beat No. 8, and Mt. Lebanon church, in Montgomery county; and at or within township 12, range 18, in Montgomery county; and at or within five miles of Scott's Station postoffice, in Perry county; and at or within Pence's beat, Plantersville beat, Woodlawn beat, and within township 13, range 11, and within five miles of Liberty church, and within five miles of Minter's station, in Dallas county; and Mount Pleasant Baptist church, Richard's beat, Barbour county; and at or within four miles of Hurricane Bayou, in Baldwin county; and at or within three miles of Rowland, otherwise known as Mc-

Donald's station, in Limestone county; and at or within three miles of Bethlehem church, in Cleburne county; and Wilkes and Mt. Zion camp-grounds, in Barbour county, within one mile thereof; approved February 23, 1883, be and is hereby repealed so far as the same prevents said sales at Batesville, in Barbour county.

Approved December 12, 1884.

No. 136.]

AN ACT

[H. B. 307.

To amend the charter of the town of Greensboro, and to confer additional powers and duties on the "mayor and council of Greensboro."

*Be it enacted by the General Assembly of Alabama,* That an act entitled an act to amend an act entitled "an act to incorporate the town of Greensboro in the county of Hale, approved March 1, 1870," which was affirmed on the 10th December, 1878, be amended by the addition of the following sections conferring additional powers, to-wit:

SEC. 24. *Be it further enacted,* That the mayor and council shall have the power to grant authority to any person or corporation to grade, lay down the track, and operate street cars for the carriage of passengers and freight on any street or avenue in the town under such rules and regulations as may be presented by them.

SEC. 25. *Be it further enacted,* That the said mayor and council shall have full power and authority to make all needful provisions for supplying the town with water and with gas or electric or other lights, and for this purpose to sink, build and repair public wells and cisterns, and to establish and control fire plugs and public hydrants, street lamps and all public lights. And for the foregoing purposes the said mayor and council shall have full power and authority to purchase and provide for the payments for the same, all such real and personal property as may be deemed from time to time necessary and proper for the use, convenience and improvement of the town, and shall have likewise power and authority to construct and erect works for the furnishing of water and lights for said

Amendment of  
the charter of  
Greensboro.

Add'lal pow-  
ers of mayor &  
council.

Water and  
lights.

town, and sell and dispose of any property of the town deemed advisable to sell.

Fire limits.

SEC. 26. *Be it further enacted*, That the mayor and council shall have full power and authority to make out and establish *fire* limits in said town, and to prohibit and prevent the erection or construction of all kinds of wooden or other buildings or structures, except those erected or constructed of brick, stone or other *safe and fire proof* building material, and same be covered with slate or metal or other *fire proof roofing* material, within such "fire limits" and within such portion and limits as they may deem best for the safety of said town. And they shall have power, by ordinance duly passed by them, to fix and prescribe such fines and penalties as may be deemed proper to carry into effect the power conferred in this section, and to collect the same as other fines and penalties; and the fines and penalties so fixed may be imposed upon whomsoever may be engaged in violating the provisions and purposes of this section.

Fines and penalties

Remove unsafe buildings

SEC. 27. *Be it further enacted*, That the mayor and council shall have full power and authority to remove such wooden and other buildings as may endanger the town on account of their liability to take fire, from that portion of the town embraced within the "fire limits," as provided for in section 26 hereof, whenever they are of the opinion such building should be removed. The mayor shall notify the owner or his agent to remove the house or other thing, and fixing a day for the owner to show cause why the house or other thing should not be removed; and the mayor shall also cause to be summoned a jury of seven qualified citizens who are residents of and real estate owners in said town, to appear on the day fixed and the day named, or the day to which the said inquiry may be postponed, and any one of the jury so summoned may be challenged for good cause, and the owner of the property may have these peremptory challenges and the town two, and if from challenges or any other cause the number is not complete, the mayor must have a sufficient number summoned *instantly* of like qualifications. And when such jury is thus obtained they shall be duly sworn well and truly to enquire whether the safety of the town or any part thereof require that the said building or any other thing should be removed, and the issue shall be submitted to them, and in the event the jury should be

of the opinion that the house, building, structure or other thing should be removed, then they must ascertain what damages the owner will receive on account of such removal, and if after the finding of said jury in favor of removal and the assessment of damages as aforesaid, the mayor and council shall deem it advisable to make such removal, the mayor shall draw his warrant on the treasurer for the amount of damages so found in favor of the owner, and shall proceed to remove the said house, building, structure or thing. Damages assessed.

SEC. 28. *Be it further enacted*, That the mayor and council, in order to determine the existence of nuisance within the town and whether the same should be removed, may give notice to the owner of the land or premises on which the nuisance is supposed to exist, or the agent or occupant thereof, or if neither can be found in the town, then by publication posted on the premises, of the intention to abate said nuisance, or by notice to the party creating, producing or causing the said nuisance, of the intention to remove the cause, and fixing a time and place for the parties interested to appear and show, if they can, that no nuisance exists or why the same should not be abated; and the mayor shall have a jury of resident citizens of the town, of the number of seven, summoned to attend, to ascertain whether a nuisance exists, and whether it should be abated. Each party shall be entitled to 3 challenges peremptory, and jurors may be challenged by either for good cause, and to supply the place of any so challenged or absent, others shall be summoned instantler. The jury thus obtained shall be sworn impartially to try the cause or question presented, and a true verdict to render. They shall hear the evidence and may be permitted as a body to personally view the premises, and shall determine whether there be a nuisance, and whether the same be abated; and if they find that there is a nuisance, and that the same shall be abated, the mayor shall abate the same at the cost of the party creating or suffering the same. Nuisances.

SEC. 29. *Be it further enacted*, That in cases of inquiry by the jury, as to moving houses and other structures and as to nuisances, as provided for in the preceding section, a true record thereof must be kept and recorded, by the mayor or clerk, and there shall be Record.

allowed to the party the right of appeal to the Circuit Court of Hale county, under proper bond and regulations to be provided by the mayor and council, and the cause, when so taken by appeal, to said court shall be tried *de novo*. If the mayor, or other officer of the town, shall, in good faith, and in accordance with the finding of the jury, remove any building or other structure or abate any nuisance as herein provided for, he or they shall be exempted from all personal liability, and none of the said officers shall be held to account individually for the consequences of removing such building or structure or abating such nuisance, or for damages for or on account thereof.

To compel attendance and service of witnesses.

SEC. 30. *Be it further enacted*, That the mayor and council shall have full power and authority in all trials and inquiry under the foregoing section, to compel the attendance and service of all witnesses and jurors duly summoned as provided for, and for failure to obey such summons or subpoena, to inflict such penalty as they may deem proper, not exceeding fifty dollars. The jurors impanelled to try any such issue as provided for, shall be entitled to receive one dollar each per day for services so rendered by them, and the witnesses twenty-five cents each per day; and on all such trial or inquiry the costs of the proceeding shall be taxed against and paid by the unsuccessful party, and execution shall issue to collect the same.

Vagrants and tramps.

SEC. 31. *Be it further enacted*, That the mayor and council shall have authority to cause all vagabonds, tramps, idle or disorderly persons, all persons of ill-fame or evil life, and such as have no visible means of support and likely to become a public charge, or are found begging, or drunk in or about the streets, or who can have no reasonable course of business or support, or cannot give a good account of themselves, all who are grossly indecent in language or behavior, publicly or in the streets, and all prostitutes or such as lead notoriously a lewd or lascivious life, to give security for their good behavior for a reasonable time, or to depart the town immediately, and in case of refusal to give such bond or depart from the town immediately, to cause them to be confined to hard labor for the town, on its streets or otherwise, for a period not to exceed ten days in any one month, unless such surety or departure be soon given and performed,

Penalties.

and if such person shall be found afterwards so offending, like proceedings may be had from time to time as often as may be necessary in each and every month.

SEC. 32. *Be it further enacted*, That the mayor and council shall have power and authority to open new streets and to widen or change the direction or names of the streets within said town, upon making compensation to the owner of lands thus taken for public use. The mode of condemnation of lands for purposes aforesaid shall be as follows: The mayor and council shall first pass an ordinance setting forth what lands are proposed to be condemned for such purposes, and notice thereof shall be given to the owners of said lands, if resident in the county of Hale, and if any owner is a non-resident thereof, ten days' notice shall be given by publication in any newspaper published in said town, and the mayor and council shall fix a day, not exceeding ten days after notice aforesaid, to ascertain what compensation shall be paid said owners, and shall summon a jury of seven freeholders of said town to be present on that day, at the office of the mayor. Said jury shall be duly sworn by the mayor well and truly to assess what compensation shall be paid to the owners of said lands, and said jury may be allowed to view the premises, as well as hear evidence. When said jury shall have, by their finding, fixed the amount of compensation aforesaid, the mayor may tender the amount thereof to such owners, and ten days thereafter may take possession of said lands and hold and use them for the purpose for which they are condemned. Upon the assembling of the jury each party shall be entitled to three peremptory challenges, and if for any cause the jury is not complete, other jurors of like qualifications shall be summoned instanten. Either party dissatisfied with the finding of the jury may file objection thereto with the mayor and shall thereupon be entitled to an appeal to the next term of the Circuit Court of Hale county and have there the inquiry as to compensation tried *de novo*; *Provided*, due notice thereof be given and security for the costs of such appeal be given within ten days thereafter. Jurors trying said cause shall be entitled to one dollar each per day, and witnesses to fifty cents each per day, to be taxed against the party refusing to comply with the finding of said

To open and  
widen streets.

Right of way.

Fees.

jury; and the mayor is hereby vested with power to compel the attendance of jurors and witnesses.

Approved December 12, 1884.

No. 137.]

AN ACT

[H. B. 568.

To extend the time of payment of the first installment of amount due by Lee county under an act to authorize the investment of certain revenues in the adjustment and settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa, incurred on account of stock subscribed to railroad companies, approved February 15, 1883.

Amendment. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 6 of an act entitled an act to authorize the investment of certain revenues, in the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa, incurred on account of stock subscribed to railroad companies, approved February 15, 1883, be amended so as to read :

SEC. 6. *Be it further enacted*, That for the purpose of refunding the State tax hereby appropriated, if the same shall be used, there is levied by virtue of the provisions of this act, in addition to the regular State tax levied under general law, and to meet the indebtedness of said counties respectively to the State, an annual tax of one-fourth of one per centum on all the taxable property real and personal in said counties respectively, which tax so levied for the purposes so specified, shall be collected in the same way and manner and under the same pains and penalties as may be provided by the general law for the collection of the regular State taxes, said tax of one-quarter of one per cent. shall begin in each county at the end of three years tax hereby transferred respectively; except as to Lee county which shall be at the end of four years, and continue annually until said amount due the State has been entirely paid, including the amount paid by the State for compensation and expenses of the commissioner appointed to negotiate said settlement,

Extension of  
time as to Lee  
county.

which said amount shall be divided equally between said five counties.

Approved December 12, 1884.

No. 138.]

AN ACT

[S. 9.

To provide for the collection of all funds in favor of, and the registration of all claims and debts against the fine and forfeiture fund of the county of Escambia.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all persons having claims or debts of any character or description whatever against the fine and forfeiture fund of Escambia county, whether due or not, and payable or to be payable out of said fund, contracted or existing before the passage of this act, shall be presented to the treasurer of said county for registration in his office by the first day of June, 1885, or the same shall be forever barred. Fine and forfeiture fund of Escambia co.

SEC. 2. *Be it further enacted,* That the treasurer of said county shall register in a suitable book, all claims or debts presented to him for registration under this act, which registration shall show the name of the claimant, the character of the claim, the amount claimed, the time when made and when due. Registry of claims.

SEC. 3. *Be it further enacted,* That the treasurer of said county shall, by publication, for once a week for six consecutive weeks, require all persons having any such claims against said county to present the same to him for registration, by the first day of June, 1885, or the same shall be forever barred. Notice.

SEC. 4. *Be it further enacted,* That all such claims against said county accruing after the passage of this act, shall be registered in the same manner as provided in section two of this act, within six months after the same shall accrue, and if not so registered shall be forever barred. Barred.

SEC. 5. *Be it further enacted,* That said treasurer shall pay such claims as accrue before the passage of this act and are registered under its provisions, in the order of their allowance, and not in the order of their registra- Payment in order of allowance.

tion, and all such claims as shall accrue after its passage must be paid in the order of their registration.

Collection.

SEC. 6. *Be it further enacted*, That the fines assessed against defendants in criminal cases and against defaulting witnesses or jurors, and all final judgments against defaulting defendants or their bail in said county, shall be collected only in such claims or debts against said fine and forfeiture fund as shall have been properly registered under the provisions of this act, and in the order of their payments, or in money when collected in money, it shall be paid over by the officers collecting the same, within thirty days thereafter to the treasurer, who shall enter the same to the credit of the fine and forfeiture fund, and keep it separate and apart from the other funds in his hands, and when said fines or judgments shall be collected in a claim or claims against said fund, the same shall be paid over by the officer collecting the same within thirty days thereafter to the treasurer, who shall cancel the same, and also mark it paid upon the registry.

Treasurer to give notice of am't on hand.

SEC. 7. *Be it further enacted*, That the treasurer of said county shall give notice by publication as now required by law, in the months of July and December of each and every year, of the amount of money in his hands belonging to said funds and a list of claims entitled to payment, and if such claim or claims are not presented for payment within four months after said notice is given, the same shall lose priority of payment over other claims then registered, and payable but for the existence of such prior claims, and its payment postponed in their favor on the registry.

Hard labor proceeds.

SEC. 8. *Be it further enacted*, That the proceeds of hard labor in Escambia county, except that collected for costs, shall be paid to the county treasurer, and by him placed to the credit of the fine and forfeiture fund, and disbursed according to the provisions of this act.

SEC. 9. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved December 12, 1884.

No. 139.]

AN ACT.

[S. 147.]

To enlarge the powers of the intendant and town council of the town of Livingston, Sumter county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the intendant and town council of the town of Livingston, Sumter county, from and after the passage of this act, shall have the power, whenever they deem it necessary and for the public good, to lay out, open and construct new and additional streets in said town, and to widen the streets and sidewalks, or any of them already established; *Provided,* they shall first have made suitable compensation to the owners of the land or lots over which such streets are to be constructed or widened. <sup>Powers enlarged.</sup>

SEC. 2. *Be it further enacted,* That in case the said intendant and council and the owners or legal representatives of the owners of the land over which such streets are to be constructed or widened, cannot agree upon the amount of compensation for said land or lot so to be occupied and used, then it shall be the duty of the probate judge of said county, upon application of the intendant and town council, to cause the damages to be ascertained and assessed as provided for in chapter 17, article 2, title 2 of the Code; and said amount, so ascertained, shall be paid by said town council before opening or widening the streets as provided for in this act.

Approved December 12, 1884.

No. 140.]

AN ACT

[S. 211]

To regulate the granting of license to sell liquor in Sumter county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful to grant a license to any one to manufacture or sell any spirituous, vinous or malt liquors in Sumter county, unless the applicant for such license shall first present to the probate judge of said county a petition and recommendation, signed by a majority of the <sup>To regulate liquor license in Sumter co.</sup>

freeholders and of the householders, who must be also registered voters in the town, if an incorporated town, or if not an incorporated town, a majority of the freeholders and of the householders, registered voters of the beat in which the business is to be carried on, stating that they approve of the purposes of said petition and recommend the applicant as a suitable person to be licensed. Said applicant must also exhibit to the probate judge evidence that said petition and recommendation, with the signatures thereto, has been published for two successive weeks in a newspaper published in the county.

Probate judge  
may grant li-  
cense.

SEC. 2. *Be it further enacted*, That the probate judge may, after he shall have satisfied himself that said list of petitioners embraces a majority of the freeholders and of the householders, who are also registered voters, and that the signatures are genuine, and further that the said list has been published as provided in all respects in above section of this act, grant a license to said applicant.

License not in  
compliance, to  
be void.

SEC. 3. *Be it further enacted*, That any license issued in said county on or after January 1st, 1885, not in compliance with the provisions of this act, shall be null and void, unless the licensee, within twenty days after the passage of this act, complies with all the requirements thereof. If such licensee fails or refuses to comply with the requirements thereof, the judge of probate shall give to him a certificate showing the amount paid for State and county license, and the unexpired term thereof, and on such certificate the unearned portion of such license shall be refunded to the licensee.

Fees of probate  
judge.

SEC. 4. *Be it further enacted*, That the probate judge shall be entitled to a fee of one dollar for his services herein required, which amount must be paid by the applicant.

SEC. 5. *Be it further enacted*, That all laws or parts of laws existing to the contrary be and they are hereby repealed.

Approved December 12th, 1884.

No. 141.]

AN ACT

[H. B. 2.]

To provide for a re-registration of all claims against the fine and forfeiture fund of Franklin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That upon the approval of this act, it shall become the duty of the treasurer of Franklin county to give notice by publication in any newspaper published in said county for five consecutive weeks, that after the expiration of sixty days from the first insertion of said notice, within which time all persons holding registered claims against the fine and forfeiture fund of said county are required to present to said treasurer memoranda of such registered claims, giving date, amount, number and date of registration.

Regulation of  
fine and for-  
feiture fund.

SEC. 2. *Be it further enacted,* That after the expiration of said sixty days, said treasurer shall proceed to re-register all claims presented, or of which proper memoranda shall have been given to satisfy him of the actual existence and validity of said claim or claims, making a new registration thereof, giving preference in such new registration to claims actually presented according to the priority of their old numbers of registration; and said treasurer shall thereafter pay said claims in the order of their new registration; *Provided,* that nothing contained in this act, shall be construed as a final bar to claims heretofore registered, which may not be presented within the sixty days herein provided for; but such claims, if presented after said sixty days, shall take their place, according to their number as newly registered, and not as they stood on the old registration, when not presented within the time named.

After sixty  
days.

Exceptions.

SEC. 3. *Be it further enacted,* That the treasurer of said county is authorized to use any funds in his hands, to the credit of the fine and forfeiture fund, to defray the necessary expenses of publication, and to retain, out of any money in his hands as aforesaid, such sum as the commissioners court of said county may allow for his services in this matter, to carry into effect the provisions of this act.

Funds to de-  
fray expenses.

SEC. 4. *Be it further enacted,* That all laws and parts

of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved December 12, 1884.

No. 142.]

AN ACT

[H. B. 20.

To exempt township trustees in Cherokee county from road and jury duty, and poll tax.

Exempt from  
taxation, &c.

*Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, township trustees of public schools in Cherokee county, shall be exempt from road and jury duty, and poll tax.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act, are hereby repealed.

Approved December 12, 1884.

No. 143.]

AN ACT

[H. B. 57.

To increase the jurisdiction of the court of county commissioners of Perry county.

Jurisdiction of  
comm'r's court  
of Perry co.

*Be it enacted by the General Assembly of Alabama,* That in the building of free bridges the court of county commissioners of Perry county is invested with authority to ditch or straighten by ditching any creek or other water course, over which any free bridge is necessary to be built, if in the opinion of such court the public good requires it, and the expense of cutting such ditch as well as the building of a free bridge shall be paid out of the county treasury.

Approved December 12, 1884.

No. 144.]

AN ACT

[H. B. 71.]

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating bitters or beverages, at or within three miles of Hogg's Mills M. E. Church, in Autauga county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous, or malt liquors, or intoxicating bitters or beverages, at or within three miles of Hogg's Mills Methodist E. Church, in Autauga county; *Provided,* that the provisions of this act shall not apply to or be so construed as to prevent the use of wines for sacramental purposes in said limits. Prohibition in three miles of Hogg's Mills, Autauga co.

Sec. 2. *Be it further enacted,* That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in a sum not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county, not exceeding six months, one or both, at the discretion of the court trying the same. Penalty.

Approved December 12, 1884.

No. 145.]

AN ACT

[H. B. 77.]

To amend and ratify the charter of the Brierfield Coal and Iron Company of Bibb county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whereas on the 27th day of April, A. D. eighteen hundred and eighty-two, the incorporators of the Brierfield Coal and Iron Company, located at Brierfield, in Bibb county, Alabama, filed in the Probate Court of Bibb county, Alabama, their declaration to become a body corporate, and by due proceedings, became a body corporate according to the statutes in such cases made and provided; and whereas, it is deemed proper and expedient to grant to said corporation certain powers it cannot secure under such general incorporation, there- Ratifying charter of Brierfield Coal and Iron Co.

fore, *be it enacted*, that said company is hereby declared to be a body corporate under the laws of this State, by its present name and style.

Additional  
powers.

SEC. 2. *Be it further enacted*, That in addition to the powers, rights and privileges and franchises now owned or possessed by said company, it is hereby authorized and empowered to locate, construct and bring into final completion, one or more railways of such gauge and as many tracks as it may deem proper, from its mines, works, ore beds, coaling and coking grounds, and manufactories to each other, and to any point or points on any of the navigable waters of this State, and to such depot or depots as they may choose to establish along the lines of any of the railways now constructed, or that may hereafter be constructed in this State, and to connect with such railways, and use the same in the conduct of the business of the company, and in the transportation of the products of their mines, manufactories and other works, and upon filing in the office of the secretary of state an agreement to abide by the lawful rules, regulations, rates and tariffs that may be established by the Railroad Commission of this State, may engage in the carriage of persons and property for the public. Said company may also construct for the use or lease of, or may purchase any railway or railways, now or hereafter constructed, connecting in whole or in part any of its property with any of the railways or navigable waters of this State, or that may be useful in making such connection. Said company may also purchase, construct, charter or hire tugs, barges, steamboats and other means of water transportation, and may use them in the conduct of its business and in the transportation of the products of its mines and manufactories on any of the navigable waters of this State, and may also use the same in the transportation of persons and property for the public.

May construct,  
charter or hire  
tugs & steam-  
boats.

Purchase, con-  
struct or lease  
buildings and  
machinery.

SEC. 3. *Be it further enacted*, That said company is further authorized to lease, purchase, erect and establish all such buildings, fixtures, structures, machinery, depots, docks and wharves as may be needed, convenient or useful in carrying on its business.

SEC. 4. *Be it further enacted*, That said company is authorized to survey and locate its lines of railways over the lands of others, for the purpose of defining and describing accurately the parts of said lands which the com-

pany wish to have condemned for the right of way, and the said company shall have the right to condemn for its use, as right of way, a strip of land one hundred feet wide, over the lands of others; and proceedings to condemn the land of others, for the use of said company, shall be governed and regulated by the general laws of this State in reference to railroad companies; *Provided*, that just compensation shall be made to the owners of such lands before the company takes possession thereof.

SEC. 5. *Be it further enacted*, That said company are hereby granted the right, remedies, powers and privileges, and subjected to the obligations contained in sections 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841 and 1842 in chapter one, title one, part two of the Code of Alabama of 1876, and all amendments thereto, now in existence. Subject to obligations contained in former sections.

SEC. 6. *Be it further enacted*, That the capital stock of said company may be increased from time to time as the business and necessities of the company may demand, not contrary to the laws of the land. Capital stock.

SEC. 7. *Be it further enacted*, That said company shall have the power, from time to time, to issue bonds for the payment of money borrowed or for its indebtedness, secured by mortgage or mortgages on its property, or any portion or portions thereof. Right to issue bonds & mortgage.

SEC. 8. *Be it further enacted*, That said company may sell its property or any part thereof at any time or times.

Approved December 12, 1884.

No. 146.]

AN ACT

[H. B. 80.]

To incorporate "Oxford Fire Company No. 1," located at Oxford, in Callhoun county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That W. A. Orr, W. M. McCraw, O. F. Luttrell, E. H. Hanna, G. M. Taylor, J. W. Gunnels, D. P. Haynes, S. P. Ingram, P. F. Allen and others, their associates and successors, be, and are hereby declared and constituted a body corporate by the name and style of Incorporating Oxford Fire Co

the "*Oxford Fire Company No. 1*," of Oxford, Ala., and by that name and style, may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in the State, and may have and use a common seal, alter and amend the same at pleasure, may have and hold personal and real property to the amount of ten thousand dollars, and may sell and transfer the same at pleasure.

Exempt from jury and militia duty. SEC. 2. *Be it further enacted*, That the members of said company and body be corporate, be and are hereby exempted from jury and militia duty.

Rules and by-laws. SEC. 3. *Be it further enacted*, That the said company may enact such rules and by-laws for its own government, as the members think proper; *provided*, they are not contrary to the Constitution of the United States and of the State of Alabama.

Rights. SEC. 4. *Be it further enacted*, That said company shall be entitled to all the rights and allowed to exercise all the privileges legitimately belonging to fire companies.

Approved December 12, 1884.

No. 147.]

AN ACT

[H. B. 82.

To amend an act to authorize the Commissioner's Courts of Crenshaw, Covington, Pike, Cherokee, Escambia, Monroe, Henry, Dale, Clarke, Jackson, Bibb and Chilton, to lay off said counties into four commissioners districts, approved January 29, 1879.

To lay off into four commissioners districts. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act entitled an act to authorize the commissioner's courts of Crenshaw, Covington, Pike, Cherokee, Escambia, Monroe, Henry, Dale, Clarke, Jackson, Bibb and Chilton counties, approved January 29, 1879, be and the same is hereby amended so as to read as follows:

Manner of electing. SEC. 2. *Be it further enacted*, That the qualified voters of said counties, voting for only one person, who must reside in the same commissioner's district with said voter, shall elect one commissioner for each district, whose term of service shall commence at the expiration

of the terms of the present incumbents, and said commissioners shall reside in the district for which they are severally elected; *Provided*, that the provisions of this act shall not apply to the counties of Escambia, Monroe, Henry, Dale, Clarke, Jackson, and Bibb. Counties not included.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict herewith, be and the same is hereby repealed.

Approved December 12, 1884.

No. 148.]

AN ACT

[H. B. 83.

To amend section 750 of the code as to Choctaw and Washington counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 750 of the code be and the same is hereby amended so far as the same applies to the counties of Choctaw and Washington so as to read as follows: That publication of the semi-annual report of the county treasurer of said counties made to the court of county commissioners of the receipts and disbursements of the county revenue shall be made by posting a copy of said report at the court house door, and recording said report in the office of the probate Judge within five days after the same shall be adjudicated by the court of county commissioners. Annual report of treasurer of Choctaw and Washington counties.

SEC. 2. *Be it further enacted*, That section 750 of the code be repealed as to Choctaw and Washington counties and that this act take effect and be enforced from and after its passage. Goes into effect.

Approved December 12, 1884.

No. 149.]

AN ACT

[H. B. 133.]

To incorporate the Springville Presbytery of the Cumberland Presbyterian church of the United States of America.

Incorporating  
Springfield  
Presbytery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the members, to-wit: Emerson Acton, Drury S. Cosby, Thos. B. Deaver, Jackson W. Gannon, Peter Hardin, Thomas McClemey, Thomas B. Nation, Robt. L. Ross, Anderson M. Sadler, Williamson P. St. John, Thomas B. Taylor, John H. Willoughby and Addison B. Wilson, as well as those who may hereafter become members of the Springville Presbytery of the Cumberland Presbyterian church of the United States of America, be and they are hereby declared and constituted a body corporate by the name and style of the Springville Presbytery of the Cumberland Presbyterian church of the United States of America, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity, and may exercise any other right, either equitable or legal that belong to or may be exercised by individuals. Said body corporate may, also, acquire, hold, possess and enjoy goods and chattels, lands and tenements as may be necessary, convenient or desirable, and may by a vote of a majority of its members sell, transfer and convey the same at pleasure.

May have seal  
and make by-  
laws.

SEC. 2. *Be it further enacted*, That said body corporate may have a common seal and may alter the same at pleasure, may make such by-laws, rules and regulations from time to time as may be necessary for its government, and may alter, change, amend or repeal the same at pleasure, and may elect all such officers and appoint all such agents as may be deemed necessary or desirable for its organization, and may remove the same at the pleasure of a majority of its members.

Approved December 12, 1884.

No. 150.]

AN ACT

[H. B. 150.]

To amend section one of an act entitled "an act to change and define the line between the counties of DeKalb and Cherokee," approved March 7th, 1876.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "an act to change and define the line between the counties of DeKalb and Cherokee," approved March 7th, 1876, be and the same is hereby amended to read as follows :

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the line between the counties of DeKalb and Cherokee, shall from and after the passage of this act, run and be established as follows : commencing at the top of Lookout mountain on the west side of same at the Etowah county line, and running thence with the county line between Cherokee and DeKalb as it now stands, to the Kirby Gap on said mountain, intersecting the wagon road running from Collinsville in DeKalb county to Dublin in Cherokee county; thence along the road leading from Collinsville in DeKalb county to Blue Pond in Cherokee county, to the section line dividing sections twenty and twenty-one, township nine, range eight, east; thence north to the north-west corner of section sixteen, township nine, range eight, east, making Joseph Copeland and William Barclay liner; thence east to the line between said counties as it now exists; thence to the north-east corner of section eleven, township nine, range eight, east; thence to the north-east corner of section one, township nine, range eight, east, making the occupant of Thomas Owen's place liner; thence to the north-east corner of section thirty-one, township eight, range nine, making Joseph Tucker liner; thence to the north-east corner of section twenty-one, same township and range, making Elizabeth Clayton liner; thence to Little river, making Allan Franks liner; thence with said Little river to the east fork of the same; thence with said east fork of said Little river, to Alabama and Georgia State line.

Boundary line  
between Cher-  
okee and De-  
Kalb counties  
changed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved December 12, 1884.

No. 151.]

AN ACT

[H. B. 154.]

To amend an act to incorporate the town of Brownville,  
approved February 23d, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section three of an act to incorporate the town of Brownville, be amended so as to read as follows:

SEC. 3. That the government of said corporation shall consist of, and its corporate powers shall be exercised by a mayor and five councilmen who shall be elected on the third Monday in March of each year, by the qualified electors of said town. That the present mayor and councilmen, shall within thirty days after the approval of this act, lay off said town into five wards, and there shall be elected one councilman from each ward, who shall be at the time of his election a qualified elector and a resident of such ward. The persons so elected, shall before entering upon the duties of their respective offices, take, before some person duly qualified to administer oaths, an oath to discharge without favor or partiality the duties of mayor and councilmen of Brownville, of which oath a record shall be kept by the clerk of said town of Brownville on file in his office. If from any cause said election should not be held on said third Monday in March, as provided for in this act, the mayor or any two councilmen must as soon as practicable thereafter appoint another day of holding such election, not to exceed thirty days after the regular day for such an election as herein provided; first giving ten days notice of said election, by posting a notice in three conspicuous places in said town, at which election only ten qualified voters of said town shall vote, and in the manner herein prescribed.

To incorporate  
town of Brown-  
ville.

Election of  
councilmen.

SEC. 2. *Be it further enacted,* That section election 11 of said act be amended so as to read as follows:

That the marshal and clerk of said town of Brownville shall be elected at the same time and in the same manner as is provided for in this act for the election of mayor.

Marshal and  
clerk.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act are hereby repealed.

Approved December 12, 1884.

No. 152.]

AN ACT

[H. B. 179.]

To require a majority of the legal electors and *bona fide* householders within the corporate limits of the town of Ozark, in Dale county, necessary to a recommendation to obtain license to sell any malt, spirituous, vinous or other intoxicating liquors within the corporate limits of said town of Ozark.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That no license must be issued or granted to sell any malt or spirituous liquors or other intoxicating drinks within the corporate limits of the town of Ozark, in Dale county, unless the applicant file in the office of the judge of probate of Dale county, or office of such other officers authorized by law to issue or grant such license five days before the issuing or granting such license for public examination, a written recommendation of a majority of the legal electors and a majority of the *bona fide* householders who have resided within the corporate limits of said town of Ozark twelve months next preceding such application, stating that they are acquainted with the person or persons to whom such license are to be issued, that such person or persons are possessed of a good moral character and in all respects are proper and suitable persons to be licensed to sell malt or spirituous liquors, or other intoxicating drinks, within the corporate limits of said town.

Requirements  
to obtain liq' or  
license in town  
of Ozark.

SEC. 2. *Be it further enacted*, That any person applying for a license as herein provided who shall use or employ the name of any elector or householder upon the recommendation required by this act, without the consent of such person, shall be guilty of a misdemeanor, and, upon conviction, in addition to all cost, must be fined and pay in money not less than twenty dollars, one-half for the use and benefit of the party aggrieved, the other half for the use and benefit of the county of Dale.

Penalty for un-  
lawfully using  
name in appli-  
cation.

SEC. 3. *Be it further enacted*, That if the probate judge of Dale county, or such other officer, as shall be authorized by law, shall issue or grant a license as herein provided, to any person without a recommendation strictly in compliance with the provisions and conditions of this act, or upon such application shall refuse to issue and grant the license herein provided for, shall be guilty

Penalty for un-  
lawfully is'uing  
license.

of a misdemeanor, and, upon conviction, in addition to all cost, must be fined and pay in money not less than fifty dollars, one-half for the use and benefit of the party complaining, if there be one, otherwise for the use and benefit of Dale county.

SEC. 4. *Be it further enacted*, That all laws and parts thereof, so far as the same relates to the corporate limits of the town of Ozark, in Dale county, and in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved December 12, 1884.

No. 153.]

AN ACT

[H. B. 184.

To incorporate the Selma Bridge Company.

Selma Bridge  
Company.

Capital stock.

Location.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whereas on the 22d day of March, 1884, H. L. McKee, R. M. Nelson, G. L. Waller, A. M. Fowlkes, W. H. Raymond and J. W. Stillwell, filed their declaration of incorporation in the probate court of Dallas county, Alabama, declaring therein that they were desirous of forming themselves into a private corporation to be called the Selma Bridge Company, and setting forth therein that their purpose was to construct, erect and keep up a wagon, foot passenger and railroad bridge, or a bridge for any one or more of those purposes, spanning the Alabama river at or near Selma, in the county of Dallas, State of Alabama, in such manner as not to obstruct or interfere with the navigation of said river, and to take and receive proper and reasonable tolls for the use thereof, and to exercise all the rights, powers, privileges and franchises, and to do and perform all the acts, matters and things which said corporation may lawfully exercise and do in the premises. And whereas said corporation was thereafter duly organized with a capital of fifty thousand dollars, in accordance with the form in the statute provided, and whereas said corporation thereafter procured from the mayor and council of Selma an ordinance authorizing and empowering said Selma Bridge Company to place, rest and locate the northerly end of abutment of its bridge at the foot of Washington street where the

same touches the northerly bank of said Alabama river; *Provided*, that said bridge be so constructed as not to impair or obstruct the navigation of the Alabama river, and whereas, said corporation is in good faith carrying out the purposes of its organization, and has now under process of erection an iron bridge across said river at the city of Selma, and has already expended large sums of money in the erection and construction of the same; *Therefore be it enacted*, that said Selma Bridge Company <sup>Body corp'tate</sup> is hereby declared to be a body corporate under the laws of the State.

SEC. 2. *Be it further enacted*, That the Selma Bridge Company, a body corporate, shall have the power to construct, erect, and keep up, a wagon, foot passenger and railroad bridge, or a bridge for any one or more of those purposes, spanning the Alabama river at or near Selma, in the county of Dallas, and State of Alabama, in such manner as not to obstruct or interfere with the navigation of said river, and to take and receive reasonable tolls for the use thereof, by passengers, and for vehicles, and for traffic, and for whatever may pass over the same; and said Selma Bridge Company shall have power to purchase, hold, sell, convey or otherwise acquire, or dispose of, real or personal, or any other kinds of property, to issue stocks or bonds, and pledge their property for payment of the same, to borrow money and to secure the same, to sue and be sued, to have a common seal, and to exercise all the rights, powers, and privileges, and franchises, and to do and perform all the acts, matters, and things which said corporation may lawfully do, and exercise in the premises, in the prosecution of the purposes thereof. The principal place of business of said corporation shall be in the said city of Selma, Alabama. <sup>Tolls.</sup>

SEC. 3. *Be it further enacted*, That the said Selma Bridge Company may increase the capital stock of said company to one hundred and fifty thousand dollars (\$150,000), or to any less sum than that, and greater than its present capital stock, upon and by a vote of two-thirds in value of the stockholders at any annual meeting thereof, or at a called meeting thereof held for that purpose, after twenty days notice by a publication in a Selma newspaper has been given of the time and place, and object of such called meeting. <sup>May increase capital stock.</sup>

SEC. 4. *Be it further enacted*, That all persons who

Stockholders' liability. are now, or who may hereafter become stockholders of said Selma Bridge Company, shall only be liable for the amount of their subscription to the capital stock of said company and no more.

SEC. 5. *Be it further enacted*, That said corporation by its board of directors shall have power and authority to adopt and establish all rules, by-laws and regulations, which shall be deemed expedient for the management of the affairs of said corporation, not inconsistent with the constitution and laws of this State and of the United States.

SEC. 6. *Be it further enacted*, That said Selma Bridge Company shall have power and authority to purchase, or acquire, or condemn any lands, or interest therein, necessary for an approach, roadway, or right of way, to or near said bridge structure, not exceeding eighty feet in width, if it be for a roadway, right of way, or approach to said bridge; also any lands or interest therein, which may be necessary for any pier, abutment, rest or other part of its said bridge, or for the erection of any building, or structure, or other improvement, to be used in connection therewith, and shall have power to use any dirt, rock, gravel, sand, or other thing of like character, or any sand near to said bridge, and necessary for the erection, repair or building thereof, or of any roadway or approach thereto, just and full compensation for any property taken, injured, or destroyed, having first been made to the owner, and the mode of procedure for the condemnation or acquiring of any property for the use of said corporation, may at the option of the said Selma Bridge Company be had under part 2, article 11, title 1, chapter 1, or under article 11, part 3, title 2, chapter 17, of the code of Alabama. Either party shall have the right to appeal as in other cases at law, and the amount of damages shall, on the demand of either party, be determined by a jury according to law.

SEC. 7. *Be it further enacted*, That A. M. Fowlkes, G. L. Waller, H. L. McKee, W. H. Raymond, W. R. Nelson, S. Maas, Samuel Stern, E. Gillman, and J. W. Stillwell, who are the present board of directors of said Selma Bridge Company, and such other persons as may be associated with them, and their successors, be and they are hereby constituted the incorporators of said Selma Bridge Company, and the said above named persons, and

A. M. Fowlkes as president, and G. L. Waller as secretary, and E. Gillman as treasurer, are hereby declared to be the board of directors, and officers of said corporation, until their successors are duly elected and qualified.

Approved December 12, 1884.

No. 154.]

AN ACT

[H. B. 204.

To provide for the election of the county superintendent of education by a vote of the people in the county of Geneva.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county superintendent of education of Geneva county shall be elected at the general election in the first Monday in August, 1886, and at the general election every two years thereafter, in the same manner as other county officers are elected, and his term of office shall begin on the first day of October, 1886, and he shall hold said office and perform all the duties thereof under the laws governing public schools, and the superintendent of education shall fill said office by appointment when vacancies occur, until said first day of October, 1886, and shall thereafter fill said office by appointment when vacancies occur.

Election of superintendent of education in Geneva co.

Approved December 12, 1884.

No. 155.]

AN ACT

[H. B. 211.

To change the county line between Jefferson and Shelby counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county line between Jefferson and Shelby counties be changed so that all that part of Shelby county north of the township lines separating townships nineteen and twenty, and north and west of the Cahaba river, following the east fork of said river, shall become a part of Jefferson county.

County line between Shelby & Jefferson.

Approved December 12, 1884.

No. 156.]

AN ACT

[H. B. 227.]

To fix the times and places of holding the Chancery Courts for the counties of Choctaw, Clarke and Monroe.

Time of hold-  
ing chancery  
courts.  
Choctaw.

Clarke.

Monroe.

Repeal of con-  
flicting laws.

*Be it enacted by the General Assembly of Alabama.*  
SECTION 1. That from and after the passage of this act, the chancery courts for the county of Choctaw, shall be held at Butler in said county on Thursday after the third Monday in January and June of each year, and continue three days; and for the county of Clarke at Grove Hill, in said county, on the third Monday after the fourth Monday in January and June of each year, and continue two days; and for the county of Monroe at Monroeville, in said county, on Thursday after the third Monday after the fourth Monday in January and June of each year, and continue three days.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 12, 1884.

No. 157.]

AN ACT

[H. B. 233.]

To regulate the issuance of execution in criminal cases, in the City Court of Montgomery.

Executions in  
criminal cases,  
Montgomery.

Returnable.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all criminal cases in the city court of Montgomery, wherein the defendant has confessed judgment for the fine and costs of prosecution, it shall be lawful for the clerk of said court to issue execution for the amount of said fine and costs, after the expiration of ten days from the date of said confession of judgment, and said execution shall be returnable thirty days after the date of its issuance, whether said court shall be in session or not.

SEC. 2. *Be it further enacted,* That all laws in conflict with the provisions of this act be and are hereby repealed.

Approved December 12, 1884.

No. 158.]

AN ACT

[H. B. 250.]

To prohibit the manufacture, sale, or giving away of vinous, spirituous or malt liquors in Syllacauga precinct No. 11, in Talladega county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person or firm to manufacture, sell, or give away, any vinous, spirituous, or malt liquors, in Syllacauga precinct No. 11, in Talladega county; *Provided,* that the provisions of this act shall not be so construed as to prohibit the use of wines for sacramental purposes, or the manufacture of domestic wines; *Provided further,* that it shall not abridge the right of practicing physicians from prescribing any such liquors for medicinal purposes.

Prohibition in beat 11, Talladega county.

SEC. 2. *Be it further enacted,* That any person or firm violating the provisions of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months.

Penalty.

Approved December 12, 1884.

No. 159.]

AN ACT

[H. B. 291.]

To prohibit the sale, bartering, or giving away of spirituous, vinous or malt liquors within five miles of the Methodist Episcopal Church, South, at Jernigan, in Russell county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That on and after the first day of January next, it shall be unlawful for any person to sell, barter, or give away any spirituous, vinous, or malt liquors within five miles of the Methodist Episcopal Church, South, at Jernigan, in Russell county, Alabama; *Provided,* this act shall not apply to wines used by any religious association for communion services, nor prevent physicians from administering stimulants to their patients when necessary, nor prevent a person giving spir-

Prohibition in five miles of church at Jernigan.

ituous, vinous or malt liquors to the friends of such person at his or her residence.

Penalty.

SEC. 2. *Be it further enacted*, That any person who shall violate the provisions of the first section of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county not more than three months at the discretion of the court trying the same.

Approved December 12, 1884.

No. 160.]

AN ACT

[H. B. 338.

To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous, or malt liquors, intoxicating bitters or cordials, or fruit preserved in alcoholic liquors, within the following distances of the within named places, viz.: 1st. Within five miles of the court house of the town of Athens, Limestone county, Alabama. 2d. Within four miles of the town of Elkmont in Limestone county, Alabama; and 3d. Within four (4) miles of the public schools in township one (1), range three (3), west, in Limestone county; and 4th. Within three miles of Liberty Church and school house in Madison county.

Prohibition in  
Madison co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first day of January, 1885, it shall be unlawful for any person to sell, give away or otherwise dispose of any spirituous, vinous, or malt liquors, intoxicating bitters or cordials, or fruit preserved in alcoholic liquors, within the following distances of the within named places, viz.: First. Within five (5) miles of the court house of the town of Athens, Limestone county. Second. Within four (4) miles of the town of Elkmont, Limestone county, Alabama; and Third. Within four (4) miles of the public schools in township one (1), range three (3), west, in Limestone county, and within three (3) miles of Liberty Church and school house in Madison county; *Provided*, that this act shall not apply to wines sold solely for sacramental pur-

Exceptions.

poses; *and provided further*, that this act shall not abridge the right and privilege of any person or persons to use or give away any of the above described liquors at his or her private residence.

SEC. 2. *Be it further enacted*, That any persons violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten (10) dollars and not more than fifty dollars, and may be also imprisoned in the county jail or at hard labor for the county for not more than six (6) months at the discretion of the court trying the same. <sup>Penalty.</sup>

SEC. 3. *Be it further enacted*, That the several justices of the peace and notaries public with the jurisdiction of justices of peace in said county shall have final jurisdiction of offences against this act; *Provided*, that any defendant may appeal from the decision of such justice and notary to the Circuit Court of the county as now provided by law in other criminal cases of which such justices and notaries have jurisdiction, and on such appeal by the Circuit Court on a statement of the solicitor as now provided by law in cases of appeal from the several county courts and without the indictment of a grand jury. <sup>Appeal.</sup>

Approved December 12, 1884.

No. 161.]

AN ACT

[H. B. 477.]

To amend section 8 of an act entitled an act to provide for the assessment and collection of taxes in the counties of Lee, Chambers, Randolph, Tallapoosa and Pickens, approved February 19th, 1883, so far as the same applies to the counties of Tallapoosa and Pickens.

SECTION 8. *Be it enacted by the General Assembly of Alabama*, That the said commissioners of Tallapoosa and Pickens counties shall levy and collect a tax of one-half of one per centum on the value of all taxable property assessed for taxes to the State, to pay the current expenses of the counties for the year, and they shall give to each tax payer a separate receipt for such county taxes when the same is paid, and they shall make to the probate judge of the county on the first day of each and every month, <sup>Assessment & collection of taxes in certain counties.</sup>

Duty of commissioners.

or within three days thereafter, a report in writing showing the amount of such county taxes collected by them within and during the preceding month, stating therein the name of each tax payer, and the amount received from him, and the aggregate amount shall be passed into the county treasury upon the certificate of said probate judge. And the said commissioners shall, on the first day of each month, or within three days thereafter, make report to the auditor of the amount of State taxes collected by them within and during the preceding month, stating then the name of each tax payer, and the amount of tax paid on real or personal property, and the aggregate amount of the tax so collected shall be passed into the State treasury upon the certificate of the auditor.

Approved December 12, 1884.

No. 162.]

AN ACT

[H. B. 428.

To provide for the recording, re-binding and indexing of deeds, mortgages, liens and other conveyances in the county of Dallas.

To provide for  
record'g deeds,  
&c., Dallas co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the judge of the City Court of Selma, the judge of the probate court, and one other person to be by them selected, be and they are hereby appointed and created a board to consider and provide a method and establish rules and regulations for the proper, uniform and convenient recording and indexing of all deeds, mortgages and liens authorized or required by law to be recorded in the county of Dallas, and to amend and change the same said rules and regulations and any change or alteration of the same shall be recorded in the minutes of the Court of County Revenue of Dallas county, and the probate judge is required to keep a copy of the same posted in the office of the Probate Court, and to note in such copy any change or alteration thereof.

Index

SEC. 2. *Be it further enacted,* That said board, or a majority thereof, shall have authority to employ a competent person to make a general index of all deeds, conveyances, mortgages and liens that are now or may hereafter be recorded in said probate court, and to fix the

compensation of such person, and the Court of County Revenue of said county shall pay the same, on the certificate of said board, or a majority thereof, as other claims against the county are paid.

SEC. 3. *Be it further enacted*, That said board shall have power to superintend the re-binding of any of such records, as in their judgment may need it, and may send them to any point in or out of the State for that purpose. Board to superintend.

SEC. 4. *Be it further enacted*, That the members of said board shall not be entitled to any compensation for their services. No pay.

Approved December 12, 1884.

No. 163.]

AN ACT

[H. B. 439.]

To establish a criminal court for the county of Greene:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby established an inferior court of record for the county of Greene, which shall be presided over by a judge, who shall reside in said county and who shall possess the same qualifications, exercise the same power and authority, take the same oath of office, and be removable for the same cause, and in the same manner as the circuit judges of this State. To establish inferior court in Greene co.

SEC. 2. *Be it further enacted*, That the clerk of the Circuit Court of Greene county shall be ex-officio the clerk of said court, and the sheriff, and the coroner of Greene county, and the solicitor of the sixth judicial circuit shall perform in and for said court the like duties, and receive the same fees and compensation, and be responsible upon their official bonds for the discharge of their respective duties as such officers are or may be required by law to perform for the Circuit Court of this State. Clerk.  
Duties and fees of sheriff

SEC. 3. *Be it further enacted*, That the style of said court shall be "The Criminal Court of Greene County," and shall hold terms beginning on the first Monday in each of the following months, viz: February, April, June, August, October and December, in each year, not exceeding one week each term, except at the August and Style of court.  
Terms.

December terms when the sessions of the court may continue two weeks.

Judge appointed by govern'r.      **SEC. 4.** *Be it further enacted,* That the judge of said court shall be appointed by the governor of Alabama, and shall hold his office for the term of six years, and until his successor is duly appointed and qualified, and shall receive as a salary the sum of twelve hundred dollars per annum, to be paid quarterly out of the general fund of the county treasury of said county, and there shall be a county tax of five dollars in each case to be taxed and collected as a part of the costs in the same manner as other costs incurred by the State are taxed and collected, which tax shall be paid into the general fund of the county treasury of said county.

Salary.      **Tax.**

Power and authority of judge      **SEC. 5.** *Be it further enacted,* That the judge of said court, when appointed and qualified, shall be a conservator of the peace for the county of Greene, and shall have like power and authority within the said county to punish for contempt, and to issue writs for injunction, *certiorari*, *mandamus*, *habeas corpus*, and other remedial writs as are or may by law be conferred upon the judges of the Circuit Court of this State.

Concurrent jurisdiction with circuit court in certain cases.      **SEC. 6.** *Be it further enacted,* That the said court herein established, shall have concurrent jurisdiction with the Circuit Court of all misdemeanors, and the following felonies named in section 4358 of the Code of Alabama, viz: larceny of any cow or animal of the cow kind, hog, sheep, goat, or any part of any outstanding crop of corn or cotton, and also the offenses named in section 4355, as amended by act approved February 23, 1883, viz: selling, giving away, concealing or converting property of tenants in common, or in which another has an interest, or aiding in removing or concealing such property, with intent to defraud, and also, the offense named in section 4353 of the Code of Alabama, viz: removing, selling or buying property to which others have a claim, also the offense of selling mortgaged property, denounced by section 4354 of the Code of Alabama, also, the offense of cutting and conveying timber or rails from land, denounced by section 4360 of the Code of Alabama, and also, of the offense of receiving stolen property, denounced by section 4365 of the Code of Alabama, in all cases in which this court has jurisdiction in cases of larceny, and also, the offenses of marking, branding or altering, or defacing

marks and brands of domestic animals with intent to defraud, denounced by section 4404 of the Code of Alabama.

SEC. 7. *Be it further enacted*, That the judge of said court shall try both the law and facts in all cases of misdemeanor, except where trial by jury is demanded by the defendant, as hereinafter provided. Judge to try both law and facts.

SEC. 8. *Be it further enacted*, That all laws of general character regulating appeals and writs of *certiorari* from justice courts, change of venue, bills of exceptions and appeals to the Supreme Court, and all rules of practice, and statutes regulating the procedure and practice of the Circuit Courts of this State, shall be held to apply to the court herein and hereby established. Laws of gen'ral character.

SEC. 9. *Be it further enacted*, That every person charged either by complaint or indictment with the commission of a crime of which this court has jurisdiction, shall be entitled to a trial by jury; *Provided*, that in cases of misdemeanor such person makes a demand therefor on or before the first day of the next regular term of said court after he is arrested or taken into custody; *Provided further*, that this proviso shall not apply to the causes transferred to this court from the Circuit Court and any person whose cause has been so transferred shall have until the case is called for trial to demand a jury trial. Trial by jury.

SEC. 10. *Be it further enacted*, That the August and December terms of this court shall be the regular jury terms of said court, and whenever a jury trial is demanded as provided in section 9 of this act the cause may be tried at any jury term provided for by this act. August & December; jury terms.

SEC. 11. *Be it further enacted*, That the petit jurors for each jury term of said court shall be selected, drawn, and empanelled in the same manner as is or may be provided by law for petit jurors in the circuit courts of this State, and venires for such jurors shall be issued and executed in the same manner as for circuit courts, and the said court herein established shall have the same power to call in tales jurors as the Circuit Court now has. Petit jurors; mode of drawing. Tales jurors.

SEC. 12. *Be it further enacted*, That immediately upon the passage and approval of this act it shall be the duty of the clerk of the Circuit Court of Greene county to transfer to the court herein established all indictments then pending and untried in said Circuit Court against Clerk of circuit court to transfer pending indictments.

persons charged with the commission of misdemeanors and arrested, together with all papers and certified copies of all docket entries and minutes of proceedings had therein in said Circuit Court, and upon the transfer and delivery of the same the jurisdiction of the Circuit Court shall cease and exclusive jurisdiction thereof shall vest in said court herein established.

Circuit court to transfer pending indictm'ts on adjournm't. SEC. 13. *Be it further enacted*, That the Circuit Court of said county shall on the day of adjournment of each term make and enter of record an order to the clerk of such Circuit Court requiring him to transfer to the court herein established, all indictments therein pending and undetermined for felonies of which this court has jurisdiction under this act together with certified copies of docket and minute entries in such causes, and upon such transfer being made the jurisdiction of the Circuit Court therein shall cease and this court shall have jurisdiction of the same.

Future indictments returnable to this co'rt. SEC. 14. *Be it further enacted*, That all indictments that may hereafter be preferred by the grand juries of said county in cases of misdemeanors must be transferred by the clerk of the Circuit Court of said county, immediately upon the return of said indictment by the grand jury, to the court herein established, and there filed and process to be issued by the clerk of said court and returnable to the next regular monthly term, and upon the transfer thereof the jurisdiction of the Circuit Court thereof shall cease and the court herein established shall have jurisdiction of the same.

Costs and fees. SEC. 15. *Be it further enacted*, That prosecutions for misdemeanors may be instituted or commenced in said court herein established by complaint and warrant of arrest as now provided in the code of Alabama for the county courts therein established and there shall be taxed as costs the same fees for the judge of said court issuing the warrant of arrest as are allowed in the county courts of this State for the same, and when collected shall be paid into the general fund of said county treasury.

Place of holding court SEC. 16. *Be it further enacted*, That the said court herein established shall be held at the court house of the said county of Greene. The regular terms in August and December in each year shall be the terms for the trials of misdemeanors in which juries have been demanded and felony cases.

SEC. 17. *Be it further enacted*, That the judge of said court may call a special jury term whenever he deems it necessary; twenty days notice of such term must be given by publication in some newspaper published in said county by the judge of said court. Judge may call a special jury term.

SEC. 18. *Be it further enacted*, That if in any case the judge of said court shall be legally disqualified to try, hear or render judgment in such cause the solicitor and the defendant or defendants may agree upon some disinterested person practicing in said court and learned in the law to act as special judge to sit as a court and to hear, decide and render judgment in the cause; *Provided*, that in the event of no agreement in such case, the clerk of said court may appoint the judge to try the cause. When judge is disqualified.

SEC. 19. *Be it further enacted*, That any cause pending in the court herein established, may be transferred for trial to the Circuit Court of Greene county by the consent of the solicitor and the defendant entered of record; and the clerk of said court shall transfer and file in the Circuit Court all the original papers in the cause together with certified copies of all docket and minute entries in said cause, and thereupon the said Circuit Court shall have exclusive jurisdiction of such cause. Cause may be transferred to circuit court by consent.

SEC. 20. *Be it further enacted*, That it shall be the duty of the judge of said court and he is hereby required to make and establish such rules and to declare and enforce such orders with regard to the original papers, records and dockets as may be necessary to carry into effect the provisions of this act not inconsistent with the laws of this State. Judge to establish rules, &c.

SEC. 21. *Be it further enacted*, That on the first days of Jaunnary and July in each year the county treasurer of said county of Greene shall ascertain the amount paid to the judge of said court out of the general fund of the county treasury and deduct therefrom the amount paid into the general fund arising from the tax on cases and for warrants of arrest issued by the judge of said court herein provided for, and one half of the balance shall be a primary charge upon the fund derived from fines, forfeitures and hard labor for the county in favor of the general fund of the county treasury, except against registered claims of witnesses, and the said treasurer shall, when he has funds in his hands sufficient to pay the same, transfer the balance, so declared a primary charge on the Duty of county treasurer. Fine and forfeiture fund.

fine and forfeiture fund to the credit of the general fund of the county treasury.

**Fees of jurors and witnesses.** SEC. 22. *Be it further enacted*, That the fees of witnesses and jurors shall be the same and paid in the same manner as in the Circuit Court.

**Justices of the peace may issue warrants.** SEC. 23. *Be it further enacted*, That justices of the peace and notaries public and *ex-officio* justices of the peace may issue warrants of arrest upon complaint made returnable to the court herein established for the following offenses named in sections 4101, 4107, 4199, 4200, 4201, 4203, 4218, 4229, 4241, 4318, 4324, 4325, 4330, 4331, 4356, 4361, 4363, 4370, 4391, 4393, 4395, 4400, 4405, 4406, 4407, 4408, 4409, 4412, 4413, 4417, 4419, 4422, 4423, 4425; and when the value of the commodity which is the subject of the crime exceeds ten dollars of offenses under sections 4353, 4365, 4369, 4370, 4373, 4379 of the code of Alabama; *Provided*, that justices of the peace and notaries public, *ex-officio* justices of the peace in said Greene county shall have no jurisdiction to hear, try and determine any offense under the foregoing sections of the code of Alabama, except of the following offenses: Violations of Sunday, vagrancy, assaults, assaults and batteries and affrays in which no stick or other weapon is used, and when the value of the commodity which is the subject of the crime does not exceed ten dollars, of larceny, whether at common law, or by statute, obtaining money by false pretenses, or taken with intent to defraud another, embezzlement and receiving stolen or embezzled goods, knowing them to be stolen or embezzled, and for failure to work on public road under section 4253 of code of Alabama.

**Judge prohibited from practicing law.** SEC. 24. *Be it further enacted*, That the judge of said court after he is appointed and qualified and during his term of office must not and he is hereby disqualified and prohibited from practicing in any other court of this State.

**Powers of the court.** SEC. 25. *Be it further enacted*, That the court herein established shall have full power and authority to sentence to the penitentiary or to hard labor for the county in default of payment of fine and costs or either and make all orders on forfeiture of bail bonds and defaulting witnesses and to render judgments on the same and enforce collection in the same manner and to the same ex-

tent as Circuit Courts now have authority and power to do.

SEC. 26. *Be it further enacted*, That all general and special laws in any manner in conflict with this act, be and the same are hereby repealed.

Approved January 27, 1885.

No. 164.]

AN ACT

[H. B. 450.]

To prohibit the sale, giving away, or other disposition, of spirituous, vinous, or malt liquors, or intoxicating bitters, in Dixon's Mills and Hoboken precincts, in Marengo county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person to sell, give away, or otherwise dispose of spirituous, vinous, or malt liquors, or intoxicating bitters, in Dixon's Mills and Hoboken precincts, in Marengo county. Prohibition in Marengo co.

SEC. 2. *Be it further enacted*, That nothing in this act contained shall prevent persons from using said liquors in their own houses, nor shall it prevent the use of wine for sacramental purposes. Exceptions.

SEC. 3. *Be it further enacted*, That any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and must, on conviction, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding twelve months, at the discretion of the jury trying the case. Penalty.

Approved December 12, 1884.

No. 165.]

AN ACT

[H. B. 451.]

To prohibit the sale, bartering, or giving away, of spirituous, vinous, or malt liquors, within three miles of Ebenezer Methodist Church and Smyrna Methodist Episcopal Church, in the county of Marion.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That any person who sells, barters, or gives away, spirituous, vinous, or malt liquors, in any quantity, except wine for sacramental purposes, within three miles of Ebenezer Methodist Church, or at or within three miles of Smyrna Methodist Episcopal Church, in Marion county, upon conviction, shall be punished in the same manner as if he had engaged in and carried on the business of selling the same without license under the revenue laws.

Prohibition in  
three miles of  
Ebenezer and  
Smyrna M. E.  
churches.

Penalty.

Approved December 12, 1884.

No. 166.]

AN ACT

[H. B. 387.]

To pay expenses incurred in the burial of the late Hon. J. M. Vaughan, representative from the county of Baldwin in the General Assembly.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That the sum of one hundred and nine dollars be and the same is hereby appropriated to pay the burial expenses of the late Hon. J. M. Vaughan, representative from the county of Baldwin in the General Assembly, and the auditor be and the same is hereby directed to draw his warrants upon the State treasury in favor of Messrs. Miller, Williamson & Company for the sum of one hundred dollars, and in favor of J. M. Pelham for the sum of four dollars and fifty cents, and in favor of C. C. McDonald for the sum of four dollars and fifty cents.

Burial expenses.

Approved December 12, 1884.

No. 167.]

AN ACT

[H. B. 492.]

To incorporate the Greenville Collegiate Institute.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That T. B. McCall, James L. Dunklin, J. C. Kendrick, James B. Stanley, J. A. McGehee and F. C. Smith and their successors, be, and they are hereby created, a body corporate, under the name and style of "The Greenville Collegiate Institute," and by that name shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and realize to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature or quality, in any amount the body corporate may deem necessary to carry all the objects of said corporation into full force and effect, and the same to sell, grant, devise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended against, in all courts of competent jurisdiction, and to make, use and have a common seal, and the same to break, alter and renew, at pleasure.

Incorporating  
Greenville col-  
legiate institute

SEC. 2. *Be it further enacted*, That said body corporate has power and authority to establish and keep up an institution of learning at the city of Greenville, in the county of Butler, and the said corporators, and their successors in office, shall be a board of trustees for the government of said institution. Said board of trustees shall have power to fill all vacancies that may occur in said board, in such manner as they may provide, by a suitable by-law for that purpose.

Powers of  
board.

SEC. 3. *Be it further enacted*, That said board of trustees have power, and it is made their duty, to establish suitable by-laws for the government of said institution of learning and the management of said corporation, and are invested with all power necessary to carry into effect the purposes of said corporation, and to that end may designate a course of study to be pursued in said institution, employ and discharge teachers and other officers, prescribe the number and qualification of students, confer degrees, grant diplomas and certificates of merit and do and perform all acts that may be usual or customary in institutions of learning of the highest grade in the United States.

By-laws and  
regulations.

SEC. 4. *Be it further enacted*, That the board of trustees of said institution may, at any time the necessities of said institution, in their opinion, require, mortgage the property of said corporation, or any part thereof, either to raise money or secure an existing indebtedness of said corporation.

Approved December 12, 1884.

No. 168.]

AN ACT

[H. B. 549.

To authorize and empower the Court of County Commissioners of Tallapoosa county to borrow money to complete the settlement of the bonded indebtedness of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Tallapoosa county are hereby authorized and empowered to borrow money, not exceeding twenty thousand dollars, to be used in the settlement of the outstanding indebtedness against said county on account of subscription to the capital stock of the Savannah and Memphis Railroad Company, which money, when so borrowed, shall be used for no other purpose than the settlement of said indebtedness.

SEC. 2. *Be it further enacted*, That to secure the payment of any sums of money borrowed by said court of county commissioners of Tallapoosa county, under the provisions of the first section of this act, said commissioners court is authorized to issue the obligations of said county in such sums as may be desired, having not more than eight per cent. interest, to be issued only on the order of said commissioners court, which obligations shall not be sold, hypothecated or used for less than the face value thereof. Said obligations to be signed by the probate judge and county treasurer of said county, which claims when issued shall be a preferred claim against said county and shall be receivable in payment of any taxes or other county dues to said county; the probate judge of said county shall keep a record of every obligation issued under this act, with number, date, amount, when due and to whom issued, and said obligation when due

shall stand as, and be a warrant on the county treasurer of said county, with the accrued interest thereon, and paid by the county treasurer out of any moneys in the treasury.

SEC. 3. *Be it further enacted*, That the court of county commissioners are authorized, and it shall be their duty to levy, whenever it may be necessary, a special tax, not to exceed the rate authorized by the constitution and laws of Alabama, upon the assessed value of all the real and personal property subject to taxation in said county of Tallapoosa, to be collected as, and in the manner provided by law for the collection of State and county taxes, and by the same officer, for the payment of said obligations issued under this act as may mature; *Provided*, that the issue of the obligations herein provided for shall be restricted to the necessities and exigencies in paying off outstanding obligations against said county.

Power to levy special tax.

Approved December 12, 1884.

No. 169.]

AN ACT

[H. B. 585.]

To re-enact and continue in force an act entitled an act to provide for the assessment and collection of taxes in the counties of Lee, Chambers, Randolph, Tallapoosa and Pickens, approved February 19, 1883, so far as the same relates to the counties of Tallapoosa and Pickens, and to provide for the assessment and collection of certain taxes in said counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to provide for the assessment and collection of taxes in the counties of Lee, Chambers, Randolph, Tallapoosa and Pickens, approved February 19, 1883, be and the same is in all things hereby re-enacted and continued in full force and effect in so far as it relates to the counties of Tallapoosa and Pickens.

Assessment & collection of taxes in certain counties.

SEC. 2. *Be it further enacted*, That the taxes provided to be assessed and collected in said act, shall be assessed and collected in all things according to the provisions of said act, in the tax districts of Tallapoosa and Pickens, for the years 1885 and 1886; *Provided*, that nothing herein contained shall be so construed as to retain in

office, in Tallapoosa county, the present commissioner holding office under the act hereby re-enacted.

Approved December 12, 1884.

No. 170.]

AN ACT

[H. B. 259.

To prohibit stock from running at large in Surles Beat in Crenshaw county.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for the owner of any horse, mule, ass, cow, hog, sheep, or goat, in that portion of Crenshaw county known as Surles beat voluntarily to permit any such animal to go at large off the premises of such owner.

To prohibit stock from running at large.

**SEC. 2.** *Be it further enacted,* That any person injured by any live stock running at large in violation of the preceding section, either in his person or to his property of any kind shall have a first lien upon said stock prior to all other liens, for all damages done by said stock, and for the costs of all legal proceedings prosecuted by the injured person for the recovery of damages for the violation of this act.

Prior lien on stock for damage done by same.

**SEC. 3.** *Be it further enacted,* That any person whose property or person is injured by stock running at large, or upon his lands, in violation of this act, may, within thirty days after such damage was done, make complaint against the owner or custodian, or herdsman of the stock doing the damage, to a justice of the peace or a notary public, who has the powers of a justice of the peace, of the precinct in which such damage was done, and if there be neither justice of the peace nor notary public having powers of a justice of the peace in said precinct, then to the next nearest justice or notary, having the powers of a justice of the peace. Said complaint must describe as nearly as may be the stock doing the damage, and the property, person or thing injured, and state the amount of damage done. Upon the filing of said complaint, the justice or notary must issue a summons to the owner or manager of said stock, commanding to appear before said justice or notary, on a day not more than five days after the issuance of said summons, and answer the same; said

Complaint against owner.

Damages assessed.

justice or notary must also issue notice to three disinterested freeholders to be selected by him, commanding them to assess, and report to said justice or notary, on the day set for the trial of said cause, on their oaths, the amount of damages sustained by the complainant, by reason of said stock running at large, in violation of this act, which report must be received as evidence in the trial of said cause. If judgment be rendered for the complainant, the justice trying the cause must, if said judgment and costs be not presently paid, condemn the stock doing the damage, to be sold for the satisfaction of said judgment and costs, and shall forthwith issue to any constable of Crenshaw county, an order commanding him to sell the stock so condemned, describing them in said order, for the satisfaction of said judgment and costs. Every person appointed by the justice or notary to assess said damage, shall be entitled to receive one dollar and a quarter per day, which shall be taxed and collected as other costs are taxed and collected under this act.

SEC. 4. *Be it further enacted*, Any owner or manager of any land within the limits described in the first section of this act, within which it shall not be lawful for stock to run at large, who may find any live stock running upon his land, shall have the right to take up said live stock, and confine the same so as to prevent their doing further or other damage, and shall also feed and water said stock, for which he shall receive the sum of twenty-five cents per day, per head, and the costs of feeding and watering said stock, shall on proof being made to said justice on the trial of said cause, that said feed and water were given to said stock in sufficient quantity and of good quality, be taxed against the defendants as other costs are taxed and collected from the sale of said stock, or by execution against the owner thereof.

SEC. 5. *Be it further enacted*, When any live stock is found trespassing upon the lands of another in violation of this act, and the owner and manager thereof is unknown, then the justice to whom complaint is made, shall cause a notice to be posted in three public places, in the neighborhood of the land upon which such stock were found trespassing, describing as fully as he can said stock, and giving notice of the day upon which said trial will be had, and then proceed in all respects as provided in this act, where the owner of the stock is known. Should the

stock sell for more than enough to pay the judgment and costs, adjudged against said stock or the owner thereof, the surplus, if any, must be paid to the owner of said stock, if he be known, and if the owner be unknown, the surplus must be paid into the county treasury, and paid by said treasurer to said owner whenever he makes satisfactory proof that the stock sold were his property, and he is entitled to the surplus proceeds thereof.

**PENALTY, CAUSING STOCK TO BREAK AWAY.**  
 SEC. 6. *Be it further enacted*, Any person who causes any live stock to break away from their herder, guard or tether, or who tolls or drives said live stock upon the lands of another, must, on conviction, be fined not less than twenty-five dollars.

**DRIVING STOCK OVER TILLED LAND OF ANOTHER.**  
 SEC. 7. *Be it further enacted*, Any person who rides or drives any stock upon or over the tilled lands of another, within the limits prescribed in the first section of this act, within which it is unlawful for stock to run at large, must, on conviction, be fined not less than ten dollars.

**APPEAL.**  
 SEC. 8. *Be it further enacted*, From any judgment rendered under the provisions of this act, either party may appeal to the Circuit Court, as in other civil cases.

**WHEN PLAINTIFF CANNOT RECOVER COSTS.**  
 SEC. 9. *Be it further enacted*, Whenever the owner, custodian, or herdsman of any stock arrested for the trespass upon the lands of another, shall tender or cause to be tendered, to the person injured, the amount of damage done and all the costs that have accrued up to the time of the tender, and said tender is refused, and the damages are assessed at an amount not greater than the amount tendered, the plaintiff shall not have or recover judgment for any costs.

**OWNER MAY REPLEVY.**  
 SEC. 10. *Be it further enacted*, Whenever any stock are confined under the provisions of section four of this act, the owner thereof may replevy the same, by giving such bond as may be approved by the person damaged, or by the justice or notary before whom the complaint is made; *Provided*, provisions of this act shall not be in force from 1st December to 1st March.

Approved January 26, 1885.

No. 171.]

AN ACT

[H. B. 148.]

To amend section 2 of an act entitled an act to amend section 1544 of the Code so far as the same relates to the counties of Blount, Cleburne, Washington, Coosa, Autauga, St. Clair, Elmore, Marshall, Dale and Chilton, so far as the same relates to the counties of Washington and Elmore.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2 of an act entitled an act to amend section 1544 of the Code of Alabama so far as the same relates to the counties of Blount, Cleburne, Washington, Coosa, Autauga, St. Clair, Elmore, Marshall, Dale and Chilton, be amended so far as the same relates to the counties of Washington and Elmore, to read as follows :

SEC. 2. *Be it further enacted,* That the person presenting the recommendation referred to in section 1 of this act, shall furnish satisfactory evidence to the judge of probate or to the person authorized by law to grant such license, that the signatures to said recommendation are genuine, and that said signers are resident householders and freeholders of the election precinct in which such applicant proposes to sell such vinous or spirituous liquors; and any one presenting such petition without being signed by the householder or freeholder in person, or by their consent, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty nor more than fifty dollars, so far as the same relates to the counties of Washington and Elmore.

Approved, January 27, 1885.

To distribute the funds raised under an act to authorize the investment of certain revenues in the adjustment and settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa, incurred on account of stock subscribed to railroad companies, so far as the same relates to the county of Pickens.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That the funds which have been or may be realized and paid into the State treasury from the county of Pickens, under the act entitled an act to authorize the investment of certain revenues in the adjustment and settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa incurred on account of stock subscribed to railroad companies, approved February 15, 1883, shall be paid out on the bonds, past due coupons, or judgments rendered thereon, indicated in said act, in the order of their presentation and filing in the office of the auditor of the State, from and after the approval of this act, on the warrant of the auditor on the State treasurer in favor of the holder and owner thereof, the provisions of said act requiring two-thirds of the said indebtedness of the county to be compromised before such payment is made, to the contrary notwithstanding; such warrant to be drawn by the auditor on the certificate of the probate judge of the county that the holder and owner of such bonds, coupons or judgments rendered thereon, has agreed to accept at the rate of not exceeding nineteen per cent. of the amount thereof, in full satisfaction of the same, which certificate shall be satisfactory proof to the auditor of the ownership of such claims; and such payments shall be continued in like manner from time to time as there shall be funds in the State treasury for the payment of the said bonds, coupons or judgments accruing from the sources provided by said act.

Approved January 27, 1885.

Adjustment of  
debt on acc't  
of R. R. stock.  
so far as ap-  
plies to Pick-  
ens county.

Rate agreed on

No. 173.]

AN ACT

[H. B. 358.]

To regulate the fine and forfeiture fund of Crenshaw county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act all fines imposed and all forfeitures taken in criminal cases of the courts in the county of Crenshaw shall be payable in lawful money of the United States. Fine and forfeiture fund of Crenshaw co.

SEC. 2. *Be it further enacted,* That the proceeds of the hire of all convicts sentenced to hard labor for said county shall belong to and constitute a part of the fine and forfeiture fund of said county, and shall be payable in lawful money of the United States. Proceeds hard labor hire.

SEC. 3. *Be it further enacted,* That it shall be the duty of all officers collecting any money for fine or forfeitures or for the hire of convicts sentenced to hard labor in said county, to pay the same to the county treasurer of said county within thirty days after the same is collected to be by him placed to the credit of the fine and forfeiture fund, and shall be by him disbursed as herein-after provided. Collections p'd in'o this fund.

SEC. 4. *Be it further enacted,* That the county treasurer of said county shall keep a registry of all claims which are payable out of the fine and forfeiture fund of said county, showing date of claim, when issued or allowed, amount, on what account accrued, to whom allowed and date of its registration, and no claim, payable out of said fund, shall in any manner be paid until the same shall have been registered in the manner herein provided; and said claims shall be paid by the county treasurer in the order of their date of allowance, as appears from all claims then registered. County treasurer to keep registry of claims against fund.

SEC. 5. *Be it further enacted,* That all claims due to solicitors, clerks of court and sheriffs, payable out of the fine and forfeiture fund of said county, shall be itemized and sworn to by such officer, and examined, approved and allowed by the commissioner's court of said county, and the same shall be registered as provided by the 4th section of this act. Claims due solicitors, clerks, &c.

SEC. 6. *Be it further enacted,* That all witness certificates and other claims, payable out of said fine and for-

When certain  
claims are  
barred.

feiture fund, shall be registered with the county treasurer, or any other person acting as such, within six months from the time they became payable or they shall be forever barred and the same shall not be registered and paid.

Claims prior to  
this act.

SEC. 7. *Be it further enacted*, That all persons holding claims against the fine and forfeiture fund of said county which were registered and unpaid prior to the passage of this act, be and are hereby required to present the same to the treasurer of said county for re-registration within six months after the passage of this act, or said claims shall be barred.

SEC. 8. *Be it further enacted*, That all laws and parts of laws, so far as the same conflict with the provisions of this act, be and the same are hereby repealed.

Approved January 29, 1885.

No. 174.]

AN ACT

[H. B. 654.

To provide for the settlement of the indebtedness of Merrill E. Pratt to the State, growing out of his suretyship on the official bond of Isaac H. Vincent, late State Treasurer.

Settlement of  
M. E. Pratt's  
surety debt.

SECTION 1. • *Be it enacted by the General Assembly of Alabama*, That if Merrill E. Pratt, who was one of the sureties on the official bond of Isaac H. Vincent, late State Treasurer, shall by the first day of February, 1885, pay into the treasury of the State, or deposit in such bank in this State as may be designated by the Governor, subject to the order of the State Treasurer, the sum of twenty-five thousand dollars, he shall be discharged from all liability to the State growing out of such suretyship; and the four promissory notes given to the State in compromise and settlement of his liability, as such surety, on the 31st day of October, 1883, for twelve thousand dollars each, bearing four per centum per annum interest, and maturing on the first days of February 1885, 1886, 1887 and 1888 respectively, and the mortgage given on certain property to secure the payment of said notes shall

be cancelled by the Governor and delivered to the said Merrill E. Pratt.

Approved January 30, 1885.

No. 175.]

AN ACT

[S. 217.]

To authorize the treasurer of Mobile county to take and certify affidavits to claims against Mobile county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the treasurer of Mobile county shall be authorized to administer the oath required by law to persons presenting claims against Mobile county and to take and certify the same; *Provided*, that such treasurer shall not be entitled to any fee for taking such affidavits.

Treasurer of  
Mobile co. to  
administ'r oath

Approved January 30, 1885.

No. 176.]

AN ACT

[H. B. 497.]

To authorize the county of Dale to issue bonds to build a court house in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county of Dale, in the State of Alabama, be, and the same is hereby authorized and empowered to issue bonds of said county, not to exceed in the aggregate four thousand dollars, to be used and the proceeds arising from the sale thereof, for the only and specific purpose of constructing and erecting a court house in said county; *Provided*, said bonds shall be issued as herein provided, within two years from and after the approval of this act.

Dale county  
empowered to  
issue bonds to  
build a court  
house.

Sec. 2. *Be it further enacted*, That the bonds provided for in section one of this act, shall be of the denominations of fifties, one hundreds and five hundreds, the amount of each respective denomination to be determined by the Court of County Commissioners of said county, and said bonds shall be in the form prescribed by the Commissioners' Court, and shall be due twenty years after the date thereof, subject to redemption at the op-

Time bonds to  
run.

tion of the Court of County Commissioners after the elapse of six years from date of issue, and said bonds shall bear eight per cent. interest per annum, payable semi-annually, on the first day of July and January of each year. Each bond must be signed by the probate judge and countersigned by the treasurer of the county and sealed with the seal of the probate judge.

**Sale of bonds.** SEC. 3. *Be it further enacted,* That said bonds, when issued, shall be placed upon the market under authority of the Commissioners' Court of said county, for sale for cash at not less than one hundred per cent. of their face value exclusive of the interest thereon, the amount received for same to be paid into the treasury of the county, to be kept separate and apart from all other funds of the county, to be issued and expended for the exclusive and only purpose as herein provided.

**Registry of bonds.** SEC. 4. *Be it further enacted,* That it shall be the duty of the Court of County Commissioners of said county to provide suitable books in which to keep a record or registration of said bonds, which shall be made before the issuance, showing the date, number and denomination of each bond, when and to whom issued, with marginal columns for the interest, so that a record of the interest payments shall be easily kept and made thereof.

**Payment of interest.** SEC. 5. *Be it further enacted,* That the Court of County Commissioners shall make and provide for the payment of the interest of said bonds as herein provided by setting aside out of the current receipts into the treasury an amount sufficient therefor, and it shall be the duty of the treasurer of said county to pay as herein provided said interest out of said amount and endorse upon said bonds, with a stamp prepared for that purpose, each half-yearly payment of interest, taking the holder's receipt for the same, which shall be a lawful voucher to the treasurer in payment of this interest account.

**Commissioners to set aside a portion of taxes to pay bonds.** SEC. 6. *Be it further enacted,* That it shall be the duty of said Court of County Commissioners to set aside out of the current collections of taxes for each year an amount of money equal to one-twentieth of the face value of said bonds issued and sold and outstanding against the county, to be preserved and used for the payment of said bonds issued and shall be known as a *sinking fund*, which the county treasurer shall be authorized to invest annually in the bonds of said county issued and

**Sinking fund.**

outstanding and unpaid under the provisions of this act, provided the same can be purchased at not more than the face value thereof, with the accrued interest thereon, but if the said bonds cannot be so purchased, then said sinking fund as herein described, shall be retained in the treasury of the county, not subject to any order of any court, except for the payment of the face value of said bonds when the same shall be subject to redemption as provided in section two of this act, as may be provided by the Court of County Commissioners, or when the same shall become due.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Court of County Commissioners of said county of Dale to make all necessary orders, decrees, and records and do any and all things right and proper in themselves to carry out the purposes, provisions and intents of this act; *Provided*, nothing herein contained shall be so construed as to require said Court of County Commissioners to issue said bonds or any amount thereof, unless in the opinion of said court, the interest of the people of Dale county will be promoted for the purpose and to the extent only as named in this act.

Interest of the people to be consulted.

SEC. 8. *Be it further enacted*, That said bonds shall be transferable by an endorsement thereon, naming the person or persons to whom transferred, by any owner of any of said bonds; *Provided*, any owner of any of such bonds cannot write his name, may transfer the same by making his "*mark*," witnessed by some person who writes his name as such witness.

Bonds transferable.

SEC. 9. *Be it further enacted*, That any officer or other person having the custody or control of said bonds, or the proceeds arising from the sale thereof, except a bona fide purchaser, who shall use or apply the same for any other purpose than herein provided, shall be deemed guilty of embezzlement, and, upon conviction, shall be punished as provided by law.

Custodian of bonds; his liability.

SEC. 10. *Be it further enacted*, That it shall be the duty of the county treasurer, within ten days after the payment of one or more of the bonds herein provided for, to fix a day and require the judge of probate and clerk of the circuit court to attend, in whose presence the county treasurer shall enter upon the record of said bonds in his office the number of said bond or bonds paid, the date of, and to whom issued, to whom and

Duty of county treasurer.

when paid and amount thereof, and shall sign such record of payment which the judge and clerk shall witness officially, and then and there, in said presence, said bond or bonds paid shall be burned and certified to by said treasurer to the next term of the Commissioners' Court, which certificate said commissioners must cause to be entered upon the minutes of their proceedings, subject to inspection by the grand jury or any other person.

Payment of  
bonds.

SEC. 11. *Be it further enacted*, That the commissioners of said county must make any and all necessary provisions for the payment of said bonds or so much thereof as shall be issued and semi-annual interest thereon, and for any default therein by any one of said commissioners by refusing or failing in his official capacity as provided by law, such commissioner or commissioners shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars and may be imprisoned in the county jail for not less than three months.

Approved February 2, 1885.

No. 177.]

AN ACT

[S. 380

For the relief of John H. Fleming, of Lamar county.

Relief of John  
H. Fleming.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That John H. Fleming, of Lamar county, be, and he hereby is relieved from all pains, penalties and forfeitures for and on account of his marriage in said county with Mahalah Jackson, and that said marriage be and hereby is declared in all things legal from the date of its solemnization.

Approved February 2d, 1885.

No. 178.]

AN ACT

[H. B. 457.]

To repeal "an act entitled an act to make Shrove Tuesday, or the day commonly known as Mardi Gras, a legal holiday in the cities and counties of Mobile and Montgomery," approved February 1st, 1875, so far as the same relates to the city and county of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to make Shrove Tuesday, or the day commonly known as Mardi Gras, a legal holiday in the cities and counties of Mobile and Montgomery, approved February 1st, 1875, be and the same is hereby repealed, so far as said act relates to the city and county of Montgomery.

Approved February 4th, 1885.

No. 179.]

AN ACT

[H. B. 413.]

To require claims against Barbour county, created and registered during the years of 1868 to 1874 inclusive, to be presented for payment within twelve months, or thereafter be barred.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all claims against Barbour county which have been created during the years 1868 to 1874 inclusive, and have been registered by the treasurer of said county, as claims against the common or general fund of said county, must be presented to the treasurer of said county within twelve months after the passage of this act for payment, and all of such claims not presented in said time shall be barred.

Certain claims  
against Barbour  
co. to be paid.,

SEC. 2. *Be it further enacted,* That the commissioners court of said county are hereby required, at their first session after the passage of this act, to have section one of this act advertised for sixty days in some newspaper published in said county.

To be advertised in newspaper.

Approved February 4th, 1885.

No. 180.]

AN ACT

[H. B. 494.]

To change the line between the school districts township 20, range 15, east, and township 21, range 15, east, in Chilton county.

Change school district line in Chilton co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 35 and 36 of township 21, range 15, be taken from said school district, and added to the school district of township 20, range 15, in the county of Chilton.

Approved February 4, 1885.

No. 181.]

AN ACT

[H. B. 472.]

To incorporate the Godfrey High School.

Incorporating Godfrey High School.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Robert G. Isbell, Elijah Blanton, Hugh Isbell, W. R. Atkins and Andrew J. Ingle, and their successors in office, shall be, and are hereby declared and created a body corporate under the constitution and laws of Alabama, by the name and style of the trustees of the Godfrey High School, in the town of Godfrey, Winston county, State of Alabama: and by that name shall be able and capable in law and equity to sue and be sued, to plead and be impleaded, and shall have power to borrow money, receive donations and bequests, purchase and sell, and have and hold real estate, and other property in perpetuity, and free from taxation; *Provided*, that the real estate, or other property, so held shall not at any time exceed the value of twenty thousand dollars.

Trustees to make rules and by-laws.

SEC. 2. *Be it further enacted*, That said body corporate, or a majority of the members composing the same, shall have power to pass all such rules, regulations and by-laws not inconsistent with the laws and constitution of the State of Alabama as they shall deem advisable for the good government and proper regulation of said school, and shall have power to elect annually, by a majority of its members, a president, secretary and treasurer, and other necessary officers from the members of said board of trustees, and to fill vacancies in said offices, to fix the

amount and approve the bond of such treasurer, and to change the number of such trustees at pleasure, and to adopt and use a common seal, and the same to alter at pleasure, and to act without seal under the laws of said State.

SEC. 3. *Be it further enacted*, That said body corporate or a majority of the members composing the same shall have power to elect annually or otherwise, the teacher or teachers of said school, to regulate the annual or other salary of such teacher or teachers, and to fix the rate of tuition. To elect teachers and fix salaries.

SEC. 4. *Be it further enacted*, That when a vacancy occurs in said board of trustees by death, resignation or otherwise, the same may be filled by a majority of the remaining trustees. Vacancy filled by board.

Approved February 4, 1885. •

No. 182.]

AN ACT

[H. B. 530.

To prevent the sale, exchange and, in certain cases, the transportation of seed cotton in or which is raised in certain precincts in Elmore county.

*Be it enacted by the General Assembly of Alabama*, That after the passage of this act it shall be unlawful to buy, sell, exchange or to offer to buy, sell or exchange, seed cotton in, or which is raised in precincts number three, four, eight and ten, in Elmore county, or to transport or move after sunset and before sunrise of the succeeding day, in said precincts, any cotton in the seed; To prev'nt sale or exchange of seed cotton in cert'n portions of Elmore co. *Provided, however*, this act shall not be construed to apply to any sale of cotton made under any legal process, or under the order of any court, nor to any sale of cotton at public auction under any mortgage or deed of trust, nor to the delivery or surrender of cotton by any tenant to his landlord in payment of his rent or advances, nor to cotton delivered by one tenant in common or joint owner to another, on division of the crop, nor to prevent the owner or the producer of the cotton from transporting or removing it from the field where it is grown to the gin house or other place of storage of such owner or producer.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor.

Approved February 4, 1885.

No. 183.]

AN ACT

[H. B. 114.

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby and other counties therein named, approved March 3d, 1870, so far as the same relates to Marion county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to regulate the publication of legal notices in the counties of Shelby and other counties therein named, approved March 3d, 1870, be and the same is hereby repealed as to the county of Marion.

Approved February 4, 1885.

No. 184.]

AN ACT

[S. 194.

To authorize the Court of County Commissioners of Escambia county to issue bonds of said county for an amount not exceeding eight thousand dollars, for the purpose of building a court house for said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of the county of Escambia be, and they are hereby authorized to issue the bonds of said county of Escambia to an amount not exceeding eight thousand dollars, or so much thereof as said court may deem necessary for the purpose hereinafter named, in sums of one thousand dollars, and payable at such time and place as said court may designate, not exceeding ten years from the date thereof, and redeemable at the pleasure of said county at any time within the said period of ten years, with coupons attached, bearing interest at a rate not exceeding six per

Escambia co.  
authorized to  
issue bonds to  
build a court  
house.

Bonds run.

cent., and payable annually to bearer; and said bonds shall be exempt from taxation.

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall be signed by the probate judge and countersigned by the county treasurer of said county, and the seal of the probate judge of said county shall be affixed thereto; and the said probate judge and county treasurer must each keep a correct record and account of all the bonds issued and disposed of under this act.

SEC. 3. *Be it further enacted*, That said commissioners court of said Escambia county are hereby authorized to do any and all things authorized by this act which may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents duly appointed by them for that purpose, at any term of said court, whether at a regular or special term thereof; and no technical informality, irregularity, neglect or omission in the proceedings or records of said court shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

SEC. 4. *Be it further enacted*, That the commissioners court of said county are hereby authorized to negotiate and sell such bonds as may be issued by them by virtue of this act; but said bonds shall not be sold for less than par (100 cents on the dollar), and the proceeds of said bonds shall be paid over to and kept by the treasurer of said county, and to be used and applied to pay for the building material and erection of a court house in and for said county, at the county seat thereof; such use, payment and application of said proceeds to be under the direction and by authority of said court of county commissioners, and the said county treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity, the same as for other county funds or money in his hands as such treasurer; and there shall be no commissions paid said county treasurer for disbursing the funds arising from the sale of the bonds named in this act.

SEC. 5. *Be it further enacted*, That it shall be unlawful for the said court of county commissioners or any member thereof, or any of the officers of said county of

Signed by probate judge and treasurer.

To have protection & properties of commercial paper

Bonds not to be sold for less than par value.

Treasurer to be custodian.

To be used  
solely for pur-  
pose specified.

Escambia, to apply the proceeds of the sales of any of the bonds issued by authority of this act to any other purpose than that hereinbefore specified; *Provided*, if there should be a surplus of said proceeds after the completion of the said court house, the same shall be placed to the credit of the fund provided for in the following section, or to such other fund as the court of county commissioners may direct.

Special tax to  
pay bonds.

SEC. 6. *Be it further enacted*, That in order to pay the interest and principal of the bonds issued by authority of this act, the said court of county commissioners is hereby authorized and required to levy a special tax from time to time, not to exceed one-fourth of one per cent. in any one year upon all property, licenses and business subject to State tax under revenue laws of the State, situated or located within the limits of said county.

Bonds receive-  
able for taxes.

SEC. 7. *Be it further enacted*, That the bonds and coupons thereof, herein authorized to be issued, shall, as they respectively mature and become payable, be received for all county taxes in said county of Escambia.

Approved February 4, 1885.

No. 185.]

AN ACT

[H. B. 815.

To prevent the running at large of stock in certain portions of Greene county.

Prevent stock  
running at large  
in certain por-  
tions of Greene  
county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That it shall not be lawful for stock of any kind or description whatever to run at large in that portion of Greene county bounded and described as follows, to-wit: Beginning on the Warrior river at the mouth of Minter's creek, thence running up said creek and along the meanderings of the same to where the south line of section twenty-three in township 22 of range two east intersects said creek, thence west along the south line of sections 23, 22, 21 and 20, and along the northern line of Eutaw beat to where said section line intersects the public road leading from Eutaw to Clinton; thence north-westerly along said public road to where the Clinton beat line intersects and leaves said road; thence run northerly along and following the eastern boundary line of Clinton

Boundaries.

beat to the southeast corner of section 13, in township 23 of range one east; thence run west along the south line of sections 13, 14, 15, 16 and part of 17 to where the south line of said section 17 intersects the Finch road (being the public road leading from Clinton to Pleasant Ridge); thence northwesterly along the said Finch road to where said road is intersected by the old St. Stephens principal Meridian line; thence northerly along said Meridian line to where said Meridian line intersects Sipsey river; thence down said river and along the meanderings of the same to the Bigbee river; thence down said Bigbee river and along the meanderings of the same to where the southern line of section fourteen in township 23 of range two west strikes said Bigbee river; thence run east along the south boundary line of sections 14, 13, 18, 17, 16, 15, 14 and 13, to the old St. Stephens principal Meridian line; thence run south along said meridian line to where it intersects the Craig's ferry road; thence westerly along said Craig's ferry road to where it intersects, or is joined by the old Columbus road; thence southerly along said old Columbus road, and along the western boundary line of Clinton beat to Trussell's creek; thence down and along said creek to the Bigbee river; thence down and along said Bigbee river to its confluence with the Warrior river; thence up and along said Warrior river to the mouth of Minter's creek, the place of beginning, as aforesaid; *Provided*, that the territory within the corporate limits of the town of Eutaw is hereby excepted from the provisions of this act; *Provided*, however, that stock owned by persons residing in said town of Eutaw, and the owner of said stock shall be liable as provided by this act for such stock running at large within the territory above described beyond the corporate limits of said town.

SEC. 2. *Be it further enacted*, That the owner of any stock running at large in violation of the provisions of the first section of this act, whether such owner resides, or the stock is owned by parties within the limits above described or not, shall be liable to the party injured for any damages committed by said stock to any lands, crops, fruit trees, shrubbery, or other property within the above described limits, and the party injured shall have a lien, paramount and superior to all other liens, on the stock committing such injuries or damages.

SEC. 3. *Be it further enacted*, That whenever any

Damages, and  
mode of col-  
lecting same.

damage has been committed to any lands, crops, fruit trees, shrubbery or other property in the district or limits as aforesaid, by stock running at large in violation of the provisions of section one of this act, the party whose property has been damaged may, within ten days after such damage has been committed, make complaint against the owner of the stock doing the damage or injury, to a justice of the peace or notary public with powers of a justice, of the precinct in which such damage has been done, or if there be no justice of the peace or notary public with powers of a justice of the precinct in which such damage has been done, then to a justice of the peace, or notary public with powers of a justice, of any adjoining precinct in said county, describing the property damaged or injured, and the stock doing the damage; and whenever such complaint is made to the justice of the peace, or such notary public, he shall issue notice to the owner of such stock, commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from issuance of such complaint; said justice of the peace or notary public shall also issue notice to three disinterested freeholders, to be selected by him, who reside in the precinct in which such damage has been done, commanding them to assess, and report to him on the day on which the owner of said stock is required to answer said complaint, on their oaths, the extent and amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace, or notary public, shall try such cause and render such judgment therein as the law demands; but if the owner of such stock does not appear and answer, the justice of the peace, or notary public, shall give judgment for the complainant for such damages as he may have sustained; if judgment be rendered for the complainant, the justice of the peace, or notary public, shall also render judgment condemning the stock doing the damage or injury, to be sold for the satisfaction of such judgment, and the costs of suit, and shall issue execution on such judgment, describing such stock therein, commanding any constable of Greene county to levy upon and sell such stock for the satisfaction of such judgment and costs, and such sale shall be conducted in like manner

as sales under other execution issued by justices of the peace.

SEC. 4. *Be it further enacted*, That either party shall have the right of appeal from the judgment of the justice of the peace, or notary public, in such cause, either to a jury or to the Circuit Court, in accordance with the requirements of the statutes as now provided. Right of appeal

SEC. 5. *Be it further enacted*, That the owner, party in possession of, or manager of any stock, who shall knowingly suffer such stock to run at large, at any time, in violation of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five nor more than twenty-five dollars, and on failure to pay the same, with the costs, shall be sentenced to hard labor for the benefit of the county for not less than thirty nor more than ninety days for such fine, and for a further period sufficient to pay the costs at the rate of forty cents per day, not to exceed, however, thirty days for said costs; *Provided*, that justices of the peace, and notaries public with powers of a justice, of said Greene county, shall have jurisdiction of the cases and offenses under this section; *and provided further*, that all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution. Owner of stock running at large guilty of misdemeanor.  
Penalty.

SEC. 6. *Be it further enacted*, That any freeholder of said Greene county who has been selected and notified under section three of this act, and who is liable to serve under said section, who shall fail to serve and perform the duties required of him therein, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five nor more than twenty dollars; *Provided*, that justices of the peace, and notaries public with jurisdiction of justices, in Greene county, shall have jurisdiction of offenses under this section.

SEC. 7. *Be it further enacted*, That an act entitled "an act to prevent the running at large of stock in certain portions of Greene county," approved February 28th, 1881, and the act entitled "an act to regulate the enclosure of stock in a portion of the county of Greene, therein described," approved February 14th, 1872, and the act entitled "an act to amend section one of an act entitled an act to regulate the enclosure of stock in a Repeal of certain acts.

portion of the county of Greene, therein described," approved February 14th, 1872, which last act was approved April 10th, 1873, be, and the same are hereby repealed, and that all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed in so far as the same conflict.

Approved February 4, 1885.

No. 186.]

AN ACT

[S. 341.

To enlarge the powers, rights, franchises and privileges of the Elyton Land Company, a corporation organized in Jefferson county, under the general laws of this State.

To enlarge the  
rights of Ely-  
ton Land Co.

Water Works.

Right of way.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Elyton Land Company, a corporation organized under the general laws of this State, and which corporation, by an act entitled "an act to amend section one (1) of the charter of the Elyton Land Company in Jefferson county, Alabama, incorporated under the general laws of this State," approved April 19th, 1873, was authorized to hold water works for the use of the city of Birmingham and for the lands and property of said Elyton Land Company is hereby further authorized and empowered to do and perform all such acts as may be necessary or incident to the building and operating of said water works, such as to construct and maintain reservoirs, to construct, maintain and operate canals, aqueducts, or conduits from any source of water supply to any reservoir or pumping station intended for the use of such water works, and for said purpose shall have the right to condemn and take possession of any source of water supply or any lands or material which may be necessary therefor, on payment to the owner thereof of just compensation, and said company may proceed as now provided by law for taking private property for railroads and other public uses, in Article II., Chapter 17, Title 2, Part 3, of the Code; *Provided*, that this act shall not apply to property owned by iron furnace companies within two miles of said water source or stream; *Provided further*, that said water is used within three years

from the passage of this act; *Provided*, that the provisions of this act shall not be construed so as to confer upon said company any right to the water of Village Creek or Cedar Branch, in addition to such rights as said company may now have; *and provided further*, that the provisions of this act shall not apply to water used for domestic purposes, nor to Hawkins Spring.

SEC. 2. *Be it further enacted*, That the said Elyton Land Company shall have the right to construct such canal, aqueduct or conduit across public roads and railroads; *Provided*, said public roads be not obstructed to travel, or said railroads be not damaged thereby.

SEC. 3. *Be it further enacted*, That it shall be unlawful for any person in any way to defile or pollute the waters in any such source of water supply, reservoir, canal, aqueduct or conduit, or to obstruct or in any way damage the same, or divert the water therefrom without permission from said Elyton Land Company; or to carry off without permission, break or injure any pipe, cock, valve, machinery or other property that may be used in connection with said water supply, or to take water from any hydrant cock, or other fixture connected with said water works without permission from said Elyton Land Company; or for any person having charge or control of any hydrant or water pipe connected with said water works, to allow or permit any other person to take, draw or use water from the same without permission from said Elyton Land Company; or for any person by false key or otherwise, after the water shall have been shut off from any premises by said company, to cause or suffer the said premises to be again supplied with water from said water works without permission from said company.

SEC. 4. *Be it further enacted*, That the said Elyton Land Company shall have the right to construct, own and operate or rent hotels or other buildings or structures; to build, own and operate street railroads and use thereon cars propelled by horse, steam or other motive powers; to build and own pikes, plank roads and bridges and to charge and collect toll for the use thereof; but no street railroads shall be constructed on the streets of the city of Birmingham without the consent and authority of the city council.

SEC. 5. *Be it further enacted*, That any person who

shall wilfully or maliciously violate any of the provisions of section three (3) shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten dollars nor more than five hundred dollars.

SEC. 6. *Be it further enacted*, That said Elyton Land Company shall have the right to invest its funds in the capital stock of manufacturing and mining corporations, located in or near the city of Birmingham, or in bonds of such corporations.

Approved February 4, 1885.

No. 187.]

AN ACT

[S. 241.

To prevent stock from running at large in the several beats in Lee county, and to authorize an election thereon.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in any beat in Lee county where stock are prohibited from running at large as provided herein after, by a majority vote of such beat, it shall be unlawful for the owner of any stock to permit such stock to go upon the land or crop of another within the prohibited territory, and for each wilful violation of this section, the owner of any such stock shall be guilty of a misdemeanor, and shall be fined on conviction, not less than five nor more than fifty dollars.

SEC. 2. *Be it further enacted*, That the term "stock," where it occurs in this act, shall be held to include horses, mules, mares, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

SEC. 3. *Be it further enacted*, That for any damage committed by stock running at large in such prohibited territory the owner of such stock shall be liable to the injured party in twice the amount thereof, to be recovered before any court having jurisdiction, in the name of the injured party, and any such judgment recovered in such a suit shall be a lien on the stock so committing the damage and the court in entering judgment shall enter therein an order that the officer executing the writ shall seize and sell said stock for the satisfaction thereof and the costs of court.

SEC. 4. *Be it further enacted*, That the prosecutions and actions provided for in this act, may be tried before any justice or notary public with justice jurisdiction in the beat where the offense or damage occurs, and the amount of damage does not exceed fifty dollars. If the justice of the peace or notary public is incompetent, or there is a vacancy in such offices, then such trials shall be in the nearest beat in said county where no such objections exist. For such prosecutions and trials said justice's courts shall be always open, but three days notice shall be given to the opposite party. Trial before justice of the peace.

SEC. 5. *Be it further enacted*, Whenever any damage hereinbefore mentioned has occurred, it shall be lawful for the injured party to take up the stock causing the same until the damages caused by said stock are paid by the owner, if the same are agreed on by the parties. If they disagree and the injured party institutes a suit for damages in two days he shall be authorized to hold said stock and detain the same, until such trial for damages is heard unless the owner gives bond with security payable to the injured party in the sum of twenty-five dollars, conditioned to pay any judgment rendered against him in 30 days thereafter. If such bond is tendered to the injured party, and is sufficient in the discretion of the court trying the same, and is refused by such injured party, he shall not be allowed any expense for keeping such stock, otherwise he shall be allowed 25 cents for taking up each head of such stock and also the expense of keeping the same, in addition to the damage done by such trespassing stock. Lawful for injured party to take up stock.  
Allowance for keeping stock.

SEC. 6. *Be it further enacted*, That whenever twelve freeholders in any beat in Lee county, shall petition the probate judge of said county asking for the same, he shall order an election in such beat at the usual voting place. Said order shall be published once in a newspaper published in said county and shall notify the public that an election will be held at the voting place in said beat, not less than ten days nor more than twenty days from such publication, specifying the day of election, to decide whether in said beat, stock shall be prohibited from running at large. He shall also appoint two managers of such election, one of whom favors and the other opposes such a law. At said election the qualified electors of the beat shall be allowed to vote. Those favoring the run- Stock law election.

ning at large of stock shall have on their ballots, "stock at large." Those opposing shall have on their ballots, "no stock at large." Said ballots shall be counted by said managers and the result certified to the probate judge within two days after said election. If a majority of the votes cast as so certified are in favor of prohibiting stock from running at large, the said judge shall enter an order on the minute book of county commissioners to that effect, and shall at once publish said order in a newspaper published in said county, and 60 days after such publication the provisions of this act shall apply and be in full force in said beat. At said election, the said judge of probate shall appoint two challengers, one favoring and one opposing said law. If any contest arises as to the result of said election, the party so contesting shall file with said probate judge, in three days after said election his objections to granting said order, and shall give bond with such security as the said judge shall deem sufficient to pay the costs of the proceeding. The said judge shall cause the sheriff to summon twelve jurors residing outside of said beat who shall sit on juries in said county to be sworn by said judge to render a true verdict, and on a day to be named by such judge, not less than five nor more than ten days, from such filing of the contest, a trial shall be had, at which such judge shall preside and conduct the same as other trials. The issues to be decided on such trials shall be :

1st. Was said election held in accordance with the provisions of this act.

Jury to decide if election was just and fair.

2d. Was the result for or against the stock law.

The said judge shall issue the order and notice hereinbefore provided for, if in accordance with the verdict of the jury, otherwise no such order shall be issued.

SEC. 7. *Be it further enacted*, The said managers at said election, before entering on their duties, shall be sworn by some officer authorized to administer oaths, that they will conduct said election fairly and a true certificate render to the probate judge. If either of them fail to serve, any other competent man may serve who resides in said beat.

Oath of managers.

SEC. 8. *Be it further enacted*, Said election shall be held within the hours, and under the rules of general elections in this State ; *Provided*, there shall be but one election under this act in any one year, and any officer

Rules governing election.

failing to perform any duty required by this act, in regard to said election, shall be guilty of a misdemeanor.

SEC. 9. *Be it further enacted*, That whenever an election is applied for under the provisions of this act, and it is desired to restrict the said election to small animals, such as calves, hogs, pigs, sheep and goats, appropriate applications, notices, publications and proceedings shall be had, and the same penalties shall attach as are provided in this act, when an election is held to prevent all stock from running at large, and the election shall pertain alone to the prescribed animals when held under this section.

Designating  
kind of stock.

Approved February 5, 1885.

No. 188.]

AN ACT

[S. 362.

To constitute the town of Blountsville and vicinity, in Blount county, a separate school district.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Blountsville and vicinity, in a square within one mile on the east, within two miles on the north, within two miles on the west, and within two miles on the south, of the court house in said town, shall constitute and are hereby created a school district separate and apart from the other school districts in said county, and the inhabitants of said town and vicinity within said limits are hereby incorporated by the name of "The Blountsville School District."

Separate school  
district, Blount  
county.

SEC. 2. *Be it further enacted*, That the said Blountsville school district shall receive its proportionate share of the public school revenue, including a *pro rata* share of the sixteenth section funds of such townships that lie partly within the limits of said school district, and shall receive all poll taxes collected within said limits. The superintendent of Blount county shall set apart from the school revenue of the county the proportionate and *pro rata* aforesaid, and shall pay the same over to the treasurer of the board of trustees of said district, who shall also receive the poll taxes aforesaid.

To receive proportion of public school revenue.

SEC. 3. *Be it further enacted*, That John M. Doyle, John W. Moore, James C. McPherson, A. E. Fields, and W. F. Dickinson, and their successors in office, are hereby

Trustees.

created and incorporated as a board of trustees for said school district. The said trustees shall have authority to fill any vacancies in the board, and a majority of the board shall constitute a quorum to transact business. The board shall elect one of their number as president, and one as secretary of the board, who shall receive no compensation for their services; and they shall also elect a treasurer, who shall hold his office for the time of one year and until his successor is elected and qualified. The Treasurer; his duties. The treasurer must take the oath of office as required of officers in this State, and he must, before entering upon the discharge of his duties, give bond with sufficient sureties in such sum as the board may prescribe, payable to the board of trustees of the Blountsville school district, with conditions as provided by law for official bonds. The treasurer shall receive and keep all moneys belonging to the said school district, and shall pay out the same only on the order of the board, approved by the president thereof.

SEC. 4. *Be it further enacted*, That the said board of trustees and their successors in office, shall have the power to levy an annual tax on all property and subjects of taxation of every name and nature within the limits of said school district, not to exceed one-half of one per centum, for school purposes, and to do all things necessary and proper to establish and maintain an efficient school system, to acquire and hold any property real or personal, for school purposes, to build and furnish necessary school houses, and generally to promote the cause of education within said limits. The board is authorized and required to determine and locate the number and character of schools white or colored, to be taught each year. Authority of trustees to levy tax.

SEC. 5. *Be it further enacted*, That the board of trustees of said school district shall make report, as is now required of township trustees or superintendent, to the county superintendent, and the board shall have authority to receive any scholars not living within the limits of said school district, upon such terms as may be agreed on. Report to Co. Sup't.

SEC. 6. *Be it further enacted*, That the annual tax levy hereby authorized shall be made by said board of trustees upon the basis of the assessment of the county for the year, subject to such additions and corrections as may be just and proper, with the right of complaint and Mode of collecting tax.

appeal as authorized by law as to State and county taxes. When the levy is completed and corrected, tax lists shall be made out by the secretary of the board of trustees, and delivered to the tax collector of the county, who is authorized and required to collect such taxes, at the same time, in the same manner and with the same power and authority and under the same penalties and liabilities as in case of State and county taxes. When, and as collected, the tax collector, after deducting two per cent. as his commissions for collecting, shall pay the same over to the treasurer of the board of trustees, and take his receipts therefor.

SEC. 7. *Be it further enacted*, That it shall be unlawful for any person to sell, give or deliver, or to aid or assist in the sale, gift or delivery of any spirituous, vinous or malt liquors, or intoxicating bitters or beverages, within the limits of said school district; and any person violating the provisions of this section shall be guilty of a misdemeanor, and punished therefor by a fine of not less than one hundred dollars, payable in currency, and when collected all such fines shall be paid to the treasurer of said board of trustees as a part of the school funds of said district. Prohibiti'n law  
within school  
district.  
  
Penalty.

Approved February 5, 1885.

No. 189.]

AN ACT

[S. 343.

For the relief of J. H. Radney, late tax collector of Randolph county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of two hundred and fifty-two dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated to refund to J. H. Radney, late tax collector of Randolph county, that amount having been paid by him into the State treasury, as evidenced by the receipt of Ike H. Vincent, late State treasurer, and for which said J. H. Radney has never received credit as said tax collector from the State auditor. Relief of J. H.  
Radney.

SEC. 2. *Be it further enacted*, That the auditor is hereby authorized to draw his warrant on the State treas-

urer for the said sum of two hundred and fifty-two dollars (\$252.00) in favor of said J. H. Radney.

Approved February 6, 1885.

No. 190.]

AN ACT

[H. B. 520.

To authorize and require the superintendent of education of the county of Conecuh to apply thirty-three and one-third per cent. of public school funds for the years 1883, 1884 and 1885, belonging to Evergreen school district to aid in the enlargement of the Evergreen Male and Female Academy.

*SECTION 1. Be it enacted by the General Assembly of Alabama,* That the superintendent of education of Conecuh county be and he is hereby authorized and required to pay over to the treasurer of the board of trustees of the Evergreen Male and Female Academy thirty-three and  $\frac{1}{3}$  ( $33\frac{1}{3}$ ) per cent. of moneys in his hands or coming into his hands belonging to the Evergreen school district for the years 1883, 1884, and 1885, to be expended by the trustees of said academy exclusively in the enlargement and improvement of the academy building for the use and benefit of the children living within said school district; *Provided*, this act shall in no wise deprive any child living within said district the benefit of a transfer to any adjoining township.

Approved February 6, 1885.

No. 191.]

AN ACT

[H. B. 766.

To provide for the assessment and collection of taxes in the county of Randolph.

*SECTION 1. Be it enacted by the General Assembly of Alabama,* That the county of Randolph is hereby created into a separate taxing district, in which State taxes and taxes imposed by this act, to provide the means of local government therein, shall be assessed and collected as herein provided.

Assessm't and  
collection of  
taxes in Ran-  
dolph co.

SEC. 2. *Be it further enacted*, That it shall be the duty of the governor to appoint for said district a commissioner of taxes who shall perform the duties herein prescribed, and such other duties as may hereafter be required of him by law, but shall not perform any other duties whatever relating to the assessment and collection of taxes of any kind.

Governor to  
appoint com-  
missioner.

SEC. 3. *Be it further enacted*, That said commissioner before entering on the discharge of his duties, shall take and subscribe to the official oath prescribed by the constitution, and shall enter into bond with good and sufficient sureties, payable to the State of Alabama, in such penalty as the governor may prescribe, with condition for the faithful performance of his duties, which said bond shall be approved by the governor, recorded in the office of the Secretary of State and filed in the office of the auditor, and shall be obligatory on the principal and sureties therein for the breach of the condition thereof during the time the principal continues in office or discharges any of the duties thereof; and the governor may, from time to time, whenever he deems it expedient, require such commissioner to make and execute additional bond or bonds. Upon said bond of said commissioner, the State or any person who may be injured by the failure of such commissioner to perform the duties required of him by law or by the improper or neglectful performance of such duty, may maintain suits at law or in equity, and a single recovery shall not discharge said bond or bonds, but from time to time proceedings may be instituted thereon until the penalty shall be satisfied.

Oath and bond  
of commission-  
er.

SEC. 4. *Be it further enacted*, That it shall be the duty of the commissioner to assess the State taxes for the years 1885 and 1886 and 1887 in the same manner and under the same regulations in and under which the county assessor of taxes is required by law to assess State taxes, and all laws applying to such assessors, shall be applied to said commissioner, and said commissioner shall have all the power and authority general or special, which is conferred upon the assessor of taxes; when such assessment is completed it shall be the duty of said commissioner to file the same in the office of the judge of probate of the county; and after giving thirty days notice, the judge of probate and any two of the county commissioners shall in the presence of the commissioner examine

To assess taxes  
for 1885, 1886,  
and 1887.

Powers vested  
in.

Probate judge  
& county com-  
missioner to ex-  
amine assess-  
ment and make  
corrections.

the assessment and correct any errors that may be found therein, and upon the complaint of any tax payer shall inquire into and correct any injustice which may be done him in such assessment. When such assessment shall have been so examined and corrected, the said commissioner shall note such corrections therein and the same shall be certified to by him and by said judge of probate. Thereafter the said commissioner shall proceed to collect the said taxes so assessed, in the mode and manner and under the same regulations and restrictions, in and under which tax collectors are required to collect State taxes.

Comm'r to col-  
lect tax to pay  
current expen-  
ses.

SEC. 5. *Be it further enacted*, That the said commissioner shall levy and collect a tax of one-fourth of one per centum on the value of all taxable property assessed for taxes to the State, to pay the current expenses of the county for the year, and he shall give to each tax payer a separate receipt for such county tax, when the same is paid, and he shall make to the judge of probate of the county on the first day of each and every month or within five days thereafter a report in writing, showing the amount of such county taxes collected by him within and during the preceding month, stating therein the name of each tax payer and the amount received from him and the aggregate amount shall be passed into the county treasury upon the certificate of said probate judge. And the said commissioner shall on the first day of each month or within five days thereafter, make report to the auditor of the amount of State taxes collected by him within and during the preceding month, stating therein the name of each tax payer and the amount of tax paid on real or personal property and the aggregate amount of the tax, so collected, shall be passed into the State treasury upon the certificate of the auditor.

Report to pro-  
bate judge.

Power to levy  
tax withdrawn.

SEC. 6. *Be it further enacted*, That the power of the Court of County Commissioners to levy taxes for the current expenses of said county for the years 1885, 1886 and 1887 is hereby taken away and divested, and no power to levy such taxes shall be exercised otherwise than is herein provided and the taxes levied in accordance with the provisions of this act for the current expenses of the county shall not be appropriated to any other purpose than to the payment of such expenses. That there shall be no assessment of taxes for State purposes in said county for the years 1885, 1886 and 1887 by any other

State assessm't  
made by com-  
missioner.

person than said commissioner in accordance with the provisions of this act.

SEC. 7. *Be it further enacted*, That said commissioner shall on the first day of each month or within five days thereafter, make a report in writing to the State auditor, showing in such report the State taxes which have been collected by him within and during the preceding month, the persons from whom collected, and stating separately the amount of taxes received on real and personal property, showing, also, the amount of county taxes collected and received by him, and the persons from whom collected and received, and shall pay into the State treasury the State taxes so collected, which shall be passed into the treasury upon the certificate of the auditor stating the amount thereof. And it shall be the duty of the auditor to certify to the judge of probate of the county, a statement of the amount of county taxes so collected and received by said commissioner, and upon the certificate of such judge the same shall be paid into the county treasury. The said commissioner must attend twice at some convenient place in each election precinct of the county, after having given thirty days' notice of the time and place for the purpose of receiving taxes. The said notice may be given by advertisement in some newspaper published in the county, for three successive weeks, or by posting bills at three or more public places in each precinct; and until after such notices have been given, and the commissioner has attended at the time and place appointed, no tax payer shall be regarded as delinquent.

Report to state auditor.

Auditor to certify to probate judge amount of county taxes so collected.

Notice of time and place.

SEC. 8. *Be it further enacted*, That after the commissioner has attended each election precinct, as provided in the preceding section, all tax payers remaining in default in the payment of the taxes which the said commissioner is hereby authorized to receive and collect, shall be regarded as delinquent, and the commissioner shall have full power and authority to proceed in the collection of said taxes, as tax collectors are authorized to proceed under the laws of this State, and may levy upon and sell real or personal property for the payment of such taxes, and the cost and expenses of such sale, in the same mode in which tax collectors are authorized to proceed to levy and sell.

Tax payers in default regarded as delinq'nt.

SEC. 9. *Be it further enacted*, That it shall be the

Poll tax.

duty of the commissioner to assess and to collect the poll tax, and to pay over such tax, as tax assessors are now required to assess the same, and as tax collectors are required to collect and pay over the same.

Compensation of comm'r.

SEC. 10. *Be it further enacted*, That the compensation of the commissioner shall be five per centum on the aggregate amount of taxes received and collected by him, which said compensation shall be paid three-fourths by the State on the warrant of the auditor on the State treasurer and one-fourth on the warrant of the probate judge on the county treasurer, but in no event shall said commissioner's compensation exceed eight hundred dollars for the collection of the taxes for any one year.

Governor may remove commissioner.

SEC. 11. *Be it further enacted*, That the governor shall have power at pleasure to remove the commissioner, and by appointment fill the vacancy and to fill the vacancy in said office that may be caused by death or resignation.

Collections by other persons in 1885 or 1886, void.

SEC. 12. *Be it further enacted*, That if any assessment of taxes for State purposes or county purposes for current expenses of the county shall have been made in the county of Randolph for the year 1885 or 1886 by any person other than the commissioner appointed under this act the same is hereby avoided and held for naught, and it shall be the duty of the commissioner to proceed with such assessment and collection as above prescribed.

Approved February 6, 1885.

No. 192.]

AN ACT

[S. 253.]

For the relief of Thomas W. Greer, former tax assessor of Chambers county.

Relief of Thos. W. Greer.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor be, and he is hereby authorized and required to draw his warrant on the treasurer for two hundred and twenty-seven dollars and fifty-five cents in favor of Thomas W. Greer, his commissions as tax assessor of Chambers county, for assessing property in said county, for State tax in the months of January and February, 1883, for the year 1883, which sum shall be

paid out of any money in the treasury not otherwise appropriated.

Approved February 7, 1885.

No. 193.]

AN ACT

[H. B. 86.

To amend an act entitled an act to authorize the commissioners court of Franklin and other counties therein named to lay off their respective counties into four commissioners districts, approved February 16th, 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2 of an act entitled an act to authorize the commissioners court of Franklin and other counties therein named to lay off their respective counties into four commissioners districts, be, and the same is hereby amended as follows as to the county of Coosa, and as amended shall read as follows: Commission-  
ers' districts.

SEC. 2. *Be it further enacted,* That the qualified voters of Coosa county shall, at the general election in the year 1888, elect one commissioner for each district of said county, whose term of service shall commence at the expiration of the term of service of those then in office and those elected for district number one and three, respectively, shall hold said office for two years, and those elected for districts number two and four shall hold office for four years. And that each of said commissioners shall reside in the district for which they are elected, and that subsequently two of said commissioners shall be elected every two years, who shall hold their offices for four years each. Coosa county.  
Term of office.

SEC. 3. *Be it further enacted,* That all laws or parts of laws contravening the provisions of this act be and the same is hereby repealed so far as relates to the county of Coosa. Repeal of conflicting laws.

Approved February 7, 1885.

To amend the charter acts of the town of Ozark, entitled an act to incorporate the town of Ozark, in the county of Dale, approved March the 19th, 1873, and an amendatory act thereto, entitled an act to amend sections six and fourteen of an act to incorporate the town of Ozark in Dale county, approved February 23d, 1883.

Charter of the town of Ozark amended.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one (1) of the act entitled an act to amend sections six (6) and fourteen (14) of an act entitled an act to incorporate the town of Ozark in the county of Dale, and approved February 23d, 1883, be amended so as to read as follows:

Oath of office. 1. That said officers of the town of Ozark, before they enter upon the duties of their respective offices, shall each take the oath prescribed by law for civil officers of this State.

B nd. 2. The mayor, clerk and marshal, before entering upon the discharge of the duties of their respective offices, each must execute a bond, payable to the incorporation of the town of Ozark, with good and sufficient security, in such a sum as the council of the town shall, from time to time, prescribe and require of each officer, but in no event to require of the mayor a bond in a less sum than one thousand dollars; of the clerk, less than five hundred dollars; of the marshal, less than three hundred dollars, each conditioned faithfully to execute and discharge all and singular duties of their respective offices as shall be prescribed or required by the law of said town of Ozark.

Council to approve bonds. 3. The council shall approve of the mayor's bond, when in proper form and sufficiently secured, and in like manner and upon like condition the mayor shall approve the bonds required of the other officers of said town, and all other bonds, and fix the sums thereof when the same is not fixed by the law of the town; and he shall approve the same and such other bonds, except his own, as may require approval under the laws and regulations of said town.

SEC. 2. *Be it further enacted*, That section seven (7) of the act entitled "an act to incorporate the town of

Ozark in the county of Dale," approved March the 19th, 1873, be amended so as to read as follows:

1. The mayor shall attend and preside at all the meetings of the council, keep order, punish any contempt by imposing a fine not exceeding five dollars, or imprisonment not exceeding twenty-four hours in calaboose; put questions, take the vote of the council, announce the result of each vote forthwith, and see that the minutes of council proceeding are correctly made and recorded, but the council shall have power to provide for a presiding officer in the absence or removal of the mayor, or when unable to attend, who shall have the same power of the mayor while presiding or acting in the capacity of the mayor of the town. Powers & duties of mayor.

2. The mayor is hereby authorized and empowered to take jurisdiction of every violation of the laws and ordinances of said town, arraign, try, convict and punish the person or persons committing the same; such punishment not to extend beyond thirty days imprisonment in the calaboose of said town and the payment of the cost in the case and a fine not to exceed seventy-five dollars, one or both, at the discretion of the mayor; and any person convicted and fined who shall refuse or fail to presently pay or secure the payment of the fine and cost, the mayor is hereby authorized and empowered to sentence such person to hard labor for the use of the town upon such terms and conditions as the town council may prescribe, not to exceed sixty days for the same violation of the laws and ordinances of the town; *Provided, however*, the mayor may commute fines not secured in the same manner as provided circuit judges may in this State; *And provided further*, the mayor, with the approval of the council, shall have power to remit, pardon and reprieve all or any part of any fine or other penalty imposed under the laws and ordinances of the town of Ozark. Mayor may remit or pardon.

3. The mayor shall be entitled to charge and receive in every case the same fees as those of a justice of the peace to be taxed as cost against the defendant upon conviction. Mayor's fees.

SEC. 3. *Be it further enacted*, That section (10) ten of the act, entitled an act "to incorporate the town of Ozark in the county of Dale," approved March the 19th, 1873, be amended so as read as follows:

1. The corporate authorities of said town shall have

Corporate au-  
thorities make  
by-laws, regu-  
lations, &c.

power and authority to ordain and pass all such ordinances, by-laws and resolutions, and make all such regulations as may be necessary to enforce the powers herein granted and for the good government of said town, which ordinances, by-laws, resolutions and regulations may extend to the preservation of health ; to prevent and remove all nuisances ; to tax, license and restrain theatrical amusements, shows, and museums of all kinds whatsoever within said corporate limits ; to prohibit and restrain every species of gambling, begging, drunkenness, profane or obscene language, assaults, assaults and batteries and affrays, houses of ill-fame or of disorderly conduct.

2. To tax, license, regulate and restrain the sale of spirituous or alcoholic liquors at wholesale or retail ; to tax and license ten-pin alleys, billiard tables, &c., in such manner as is not inconsistent with the general laws of this State.

Regulate mar-  
kets and keep  
streets in re-  
pair.

3. To regulate and establish markets, town prisons, sink and repair public wells, make all needful provisions for furnishing the town with water, to keep in repair all necessary streets, alleys, and water drains and ordain regulations for the same.

Rate of taxa-  
tion.

4. To levy and collect for the use of the corporation, not exceeding one-fifth of one per cent. tax on the valuation of all property within the corporate limits of the town subject to taxation as provided by the revenue law of the State.

Licenses.

5. To tax and license concerts, musical entertainments when admission fees are charged ; tax and license all resident or transient auctioneers, peddlers, exhibitions of slight of hand or legerdemain, gypsies, fortune tellers, bagatelle or jenny lind and pool tables, shooting galleries, cock pits and skating rinks.

6. The council of said town of Ozark shall have power and authority to remove from office the mayor, clerk or marshal of the town, for drunkenness, embezzlement of any public funds, neglect or failure to discharge the duty of their respective offices, or other infamous crimes, or grossly immoral conduct, under such rules and regulations as said council shall ordain and establish, and fill such vacancies when thus created in such manner as they shall provide.

7. Said council is hereby authorized and empowered to ordain and establish rules and regulations for the erec-

tion and use of blacksmith shops and engines or other places designed for public use in which fire is the promoter of heat or power and shall in any wise subject the property of the town or any person to any damage or destruction with fire. Building regulations.

8. To ordain and pass all such ordinances, by-laws and regulations or resolutions as may be necessary for the good government of the said town of Ozark not inconsistent with the constitution and general laws of the State, and provisions of this act. Ordinances.

SEC. 4. *Be it further enacted*, That in addition to the authority and power herein conferred upon the mayor he is hereby invested with all the authority and jurisdiction of a justice of the peace in all criminal and civil matters as provided by law, arising within the corporate limits of the town of Ozark. Mayor a justice of the peace.

SEC. 5. *Be it further enacted*, That all law or part thereof in conflict with the provisions of this act, be and the same is hereby repealed.

Approved February 7, 1885.

No. 195.]

AN ACT

[H. B. 99.

To require forfeitures under section 1660 and fines under section 4253 of the Code to be paid exclusively in legal tender currency in Franklin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That forfeitures under section 1660 and fines under section 4253 of the Code hereafter imposed in cases hereafter arising, shall be paid exclusively and only in legal tender currency in Franklin county. Fines and forfeitures, Franklin county.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 7, 1885.

No. 196.]

AN ACT

[H. B. 113.]

To repeal an act entitled an act for the preservation of game animals, and birds in the counties of Lamar, Marion and Coosa, approved March the 1st, 1881, so far as relates to the county of Marion.

Game law repealed as to Marion co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act for the preservation of game animals, and birds, in the counties of Lamar, Marion, and Coosa, approved March the 1st, 1881, be and the same is hereby repealed so far as relates to the county of Marion.

Approved February 7, 1885.

No. 197.]

AN ACT

[H. B. 152.]

To amend an act to incorporate the the city of Tuscaloosa, approved March 12th, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled an act to incorporate the the city of Tuscaloosa, approved March 12th, 1873, be amended by adding the following sections thereto :

Authority of mayor and aldermen of city of Tuscaloosa.

SEC. 84. *Be it further enacted*, That the mayor and aldermen of the city of Tuscaloosa shall have power and authority to license, restrain and prohibit the selling or retailing of spirituous, vinous or malt liquors within the corporate limits of said city, and to provide for annulling and revoking such license on good cause being shown; to prevent the selling or giving away of spirituous, vinous or malt liquors whenever they shall deem it expedient, and for such time as they may deem it necessary; to license and regulate hawkers and street vendors of every description, and for good cause to annul such license; to license, restrain and regulate theatrical and other exhibitions, shows, concerts, menageries, circuses and any other public amusement; *Provided*, that no license be laid on any concert or other exhibition, or other public amusement, which is solely for a charitable purpose; to license and regulate livery and sale stables; to license and regulate hacks, carriages, buggies, carts, drays and all other

To license and restrain.

vehicles running for hire within the corporate limits; to license, regulate and restrain transient merchants or dealers and vendors of patent medicines, paints, soaps, and other articles of merchandise, and to revoke and cancel said license for cause; to license and regulate pawnbrokers, auctioneers, and commission merchants; to license and regulate insurance and express companies and their agents, telegraph and telephone companies and their agents, sewing machine companies and sewing machine agents, and railroad and street railroad companies; to license and regulate hotels, eating-houses and restaurants; to license and regulate theatres and all public halls kept as places of amusement or otherwise; to license, restrain and regulate billiard, pool, bagatelle or jenny lind tables, ten pin alleys, and all other games of like kind or description, and to provide for cancelling and annulling such license; to license and regulate barbers and barber shops; to license and regulate pistols or shooting galleries, the game of quoits, and all kind and description of games of chance played in a public place; to license and regulate warehouses and warehousemen; to license and regulate photographers and daguerreian artists, and dealers in pistols, bowie-knives and shotguns or fire arms, and knives of like kind or description; to establish and regulate a free public school or schools for the tuition of children residing in the corporation, and to employ teachers for the same at suitable salaries; to license and regulate dealers in commercial fertilizers and all kinds of guanos and phosphates used for such purpose; to license and regulate coal and wood yards; to license and regulate dancing masters, and skating rinks; to license and regulate lightning rod agents, stove, range, or clock companies, (not to apply to merchants doing a general business, who keep said articles in stock); to license and regulate commercial reporting agencies; to license and regulate dealers in playing cards; to license and regulate persons or firms, who engage in the business of buying or selling futures for speculation or on commission.

SEC. 85. *Be it further enacted*, That hereafter in all cases of default in the payment or securing the payment of any fine or forfeiture assessed against any person, and judgment rendered by any authority of the city of Tuscaloosa, or by notice of any by-law or ordinance of said city, the mayor, or other officer presiding, shall have the

To require persons in default of fines to work on streets.

right and power to require the party thus being in default to labor on the public streets, or such other works of said city as the mayor or officer presiding may direct, for a time not exceeding sixty days, at the discretion of the mayor or officer presiding at such trial; or the party may be hired for such length of time and at such rate as will pay said fine and costs, or the party may be committed to the guard-house or county jail of the county for a period not exceeding sixty days. It is hereby made the duty of the sheriff of Tuscaloosa county to receive any persons arrested or committed to jail for the violation of any city ordinance, upon the written order of the mayor or officer presiding of said city; *Provided*, that arrangements be first made with the sheriff for the payment of his fees for receiving and feeding persons so committed.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, so far as the same apply to the city of Tuscaloosa, are hereby repealed, and the provisions of this act shall be and go into full force and effect from and after the date of the approval hereof.

Approved, February 7, 1885.

No. 198.]

AN ACT

[H. B. 165.

To repeal an act entitled an act for the preservation of game animals, and birds, in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, approved February 13th, 1879, so far as the same relates to that portion of the county of Bibb west of the Cahaba river.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, approved February 13th, 1879, be and the same is hereby

Repeal of game law as to portion of Bibb co.

repealed so far as the same applies to that portion of the county of Bibb west of the Cahaba river.

Approved February 7, 1885.

No. 199.]

AN ACT

[H. B. 169.

To amend an act approved February 3d, 1883, entitled an act to constitute the town of Anniston a separate school district.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section five (5) of an act entitled "an act to constitute the town of Anniston a separate school district," approved February 3d, 1883, be amended so as to read as follows:

SEC. 5. *Be it further enacted,* That the town of Anniston, as a separate school district shall receive its proportionate share of the school revenues appropriated to the county of Calhoun, including a *pro rata* share of the sixteenth section fund of each township that lies partly within the corporate limits of said town of Anniston, and it shall also receive all the poll tax paid by the tax payers in the Anniston district, but the poll tax paid by the white tax payers shall be appropriated to the white schools, and the poll tax paid by colored tax payers shall be appropriated to colored schools.

Approved February 7, 1885.

No. 200.]

AN ACT

[H. B. 173.

To amend section 435 of the Code, so far as it relates to Clarke county; also to require the tax assessor to perform the duties therein imposed.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 435 of the Code be amended so as to read as follows:

"SEC. 435. *Levy of County Tax—Limitation—Book for Tax Collector.*—It is the duty of the court of county commissioners, at the August term, to proceed to levy the

County commissioners to levy taxes for current expenses.

amount of taxes required for current expenses of their county for that year, not to exceed one-half of one per cent. on the value of all taxable property therein assessed for revenue to the State; and after the court of county commissioners have received the books from the tax assessor and have corrected errors, as provided in this article, the tax assessor must make a book containing, in concise form, the amount of taxes due by each tax payer, which book shall show the amount of tax on real estate and personal property separately, together with the fees of the assessor and collector, which book must be turned over by the assessor to the tax collector on or before the day when the taxes become due; but this section shall not be so construed as to repeal any law authorizing courts of county commissioners to levy special taxes for special purposes.

Compensation of assessor.

SEC. 2. *Be it further enacted*, That for performing the labor, imposed by the foregoing section, the tax assessor shall receive such compensation as the court of county commissioners shall deem just and proper.

Applies only to Clarke county.

SEC. 3. *Be it further enacted*, That the provisions of this act shall apply only to the county of Clarke.

Approved February 7, 1885.

No. 201.]

AN ACT

[H. B. 175.]

To repeal an act entitled an act to better provide for the examination of the county offices, county jail, records of the courts of county commissioners, and county chain gangs of Barbour and Coffee counties in this State, and report thereon, approved February 26th, 1881, so far as the same applies to the county of Coffee.

Act repeal'd as to Coffee co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act to better provide for the examination of the county offices, county jail, records of the courts of county commissioners and county chain gangs of Barbour and Coffee counties, in this State, and report thereon, approved February 26th, 1881, so far as it applies to Coffee county, be and the same is hereby repealed.

Approved February 7, 1885.

No. 202.]

AN ACT

[H. B. 200.]

To amend section 1 of an act entitled "an act to prescribe the duties of the tax collectors of Marshall and Etowah counties as to appointments, &c., for the collection of taxes," approved February 23, 1883, so far as the same applies to Etowah county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1 of an act entitled "an act to prescribe the duties of the tax collectors of Marshall and Etowah counties as to appointments, &c., for the collection of taxes," approved February 23, 1883, be amended as to Etowah county so as to read as follows : Duties of tax collector of Etowah co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be the duty of the tax collectors of Marshall and Etowah counties to advertise and make two rounds in the county during the months of October and November, as required by the revenue laws of this State, for the purpose of collecting State and county taxes.

Approved February 7, 1885.

No. 203.]

AN ACT

[H. B. 215.]

To regulate the fine and forfeiture fund of Lowndes county and the disposal of moneys arising from fines, forfeitures and convict labor.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be the duty of the Board of Revenue of Lowndes county to give notice by advertisement in some newspaper published in said county, and also by posting notice at the court house door in the town of Hayneville, to all persons holding unregistered claims against the fine and forfeiture fund of said county to register the same with the county treasurer within ninety days after the insertion of said advertisement, and if not so registered, said claim shall be forever barred. To regulate the fine and forfeiture fund of Lowndes co.

SEC 2. *Be it further enacted,* That it shall be the duty of the county treasurer to provide a book for the registration of all claims against said fine and forfeiture fund, Duty of county treasurer.

and to transfer to said book all claims heretofore registered against the same, preserving the order of previous registration.

To retain mon-  
eys in treasury  
until amounts  
to \$500.

SEC. 3. *Be it further enacted*, That it shall be the duty of the county treasurer to retain in the treasury all moneys occurring from fines and forfeitures and hire of the county convicts sentenced to hard labor for the county, after deducting the costs of conviction, until the same shall amount to five hundred dollars or more, and then it shall be his duty to report this fact to the County Board of Revenue, and such sum shall be subject to the order of said board.

Duty of board  
of revenue.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Board of Revenue of said county, when notified by the treasurer as provided for in section 3 of this act, to advertise for three successive weeks in a newspaper published at the county site of said county and by posting notices at the court house door, and three other public places in the county, if no such paper is published, notifying all persons holding claims against said fund which have been registered, that bids will be received until the first Monday following the expiration of the three weeks advertised, at 12 o'clock of the same, and shall state in said advertisement the amount of the fund on hand, and the amount of the registered claims against the fund outstanding and unpaid. The money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund at the highest rate of discount, and should there be two or more bidders at the same rate of discount, and the funds be insufficient to pay all of them, the money shall be awarded to such claims. When the biddings are closed as provided for in this section, the judge of probate of said county shall issue warrants against said fund to the persons entitled thereto upon a receipt and surrender of their claims, or a proper voucher, if the claim is not paid in full.

Biddings  
closed.

To be paid in  
lawful money.

SEC. 5. *Be it further enacted*, That after the passage of this act all fines and forfeitures, hire of convict labor or anything pertaining to said fine and forfeiture fund, shall be paid in lawful currency of the United States, and in nothing else; *Provided*, that all bail bonds made before the passage of this act, all fines heretofore adjudged against convicted persons and all forfeitures heretofore adjudged against any defaulting defendant, or his

or her bondsmen shall be excepted from the operations of this act, and may be payable as they were before the enactment of the same.

Approved February 7, 1885.

No. 204.]

AN ACT

[H. B. 219.]

To repeal an act entitled an act to establish a separate school district, to be known as New Market District, in Madison county.—Act 1878-7, p. 149, No. 122.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to establish a separate school district, to be known as New Market District, in Madison county, approved February 13th, 1879, be and the same is hereby repealed.

Approved February 7, 1885.

No. 205.]

AN ACT

[H. B. 261.]

To establish the Haw Ridge Public School District in Dale and Coffee counties and Magnolia School District in Dale county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the following described district in Dale and Coffee counties, commencing at the northeast corner of the southwest quarter of section 29, township 6, range 23 in Dale county, and thence west with land line to the northwest corner of the southeast quarter of section 26, township 6, range 22 in Coffee county, and thence south with land lines to the southwest corner of the northeast quarter of section 11, township 5, range 22 in Coffee county, thence east with land lines to the southeast corner of northwest quarter of section 8, township 5, range 23 in Dale county, and thence north with land lines to the point of beginning herein described, be and the same as herein described and bounded, is constituted a public school district and shall be known as the "Haw Ridge School District," and shall be under the supervision of

Sep'rate school  
distri't in Mad-  
ison county.

To establish  
school districts

Haw Ridge  
district.

two district superintendents, both of whom must reside in said district, one in Dale county, the other in Coffee county, each of whom must be appointed and their successors in office, as provided by law, by the respective county superintendents of education of Dale and Coffee counties.

Joint supervision.  
SEC. 2. *Be it further enacted*, That said district superintendents shall have joint supervision of the public schools in said district, locate the same and employ, and contract with the teacher or teachers thereof, and in all things pertaining to said district, do and perform such duties as are required of district or township superintendents of public schools, in this State, as provided by law, but, shall report the pupils within the educational age to the county superintendent of the county in which the parents or guardians of such pupils reside.

In cases of disagreement.  
SEC. 3. *Be it further enacted*, That whenever said district superintendents shall disagree in any thing or question wherein their joint consent is required, they shall select any freeholder in said district, to act with them, and the agreement of two of them, shall be the agreement as to the thing or question disagreed between said district superintendents.

Funds.  
SEC. 4. *Be it further enacted*, That the county superintendents of Dale and Coffee counties shall receive all funds apportioned said district or accruing therein in their respective counties, and shall disburse the same for the use of the public school of said district in like manner as provided by law for maintaining public schools in this State.

Teachers' reports.  
SEC. 5. *Be it further enacted*, That teachers of a public school in said district, shall make reports, as required by law to the county superintendent of each county in which the parents or guardians of the children reside attending such school, which reports shall not include any who reside in one county in such report to the county superintendent of the other county.

Magnolia district.  
SEC. 5. *Be it further enacted*, That all of range twenty-five east of Choctawhatchie, and all of range twenty-six west of Bear creek, all of township seven in Dale county, be and the same is hereby created and constituted a public school district and shall be entitled to all the immunities, privileges and benefits as provided by law for

public schools in Dale county, and shall be known as the Magnolia District.

SEC. 6. *Be it further enacted*, That the county superintendent of education for Dale county be and is required to appoint in and for Magnolia district in the same manner as are appointed in the townships and districts, a district superintendent who shall be authorized to discharge and perform all and singular duties required by law of township or district superintendents in said county. District Superintendent.

Approved February 7, 1885.

No. 206.]

AN ACT

[H. B. 325.

For the protection and preservation of game animals and birds in Perry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful at any place in Perry county to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn between the fourteenth day of February and the twentieth day of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any wild turkey between the first day of May and the first day of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove, between the first day of March and the first day of August; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any partridge, between the first day of March and the fifteenth day of October; and it shall be unlawful to catch, kill and injure, or pursue with such intent, any wild duck between the first day of May and the first day of October. Preservation of game in Perry county.

SEC. 2. *Be it further enacted*, That it shall be unlawful at any time, and at all seasons, to catch, kill or injure, or pursue with such intent, the mocking bird, cat-bird, thrush, sparrow or any kind of bird (snipe and robbin excepted) not named in the preceding section, or to rob or destroy, the nest of any bird at any time and place in Perry county; *Provided*, that it shall be lawful at any time or place, in said county, to kill, destroy or rob the nests of crows, hawks, black-birds, owls, blue-jays and any other kinds of birds of prey. Birds specified

Unlawful to have in possession or sell.      SEC. 3. *Be it further enacted*, That it shall be unlawful at any place in said county for any person to purchase, have in possession, sell or expose for sale, any of the birds or game mentioned in the preceding sections of this act during the seasons when the catching, killing or injuring the same is prohibited.

To transport.      SEC. 4. *Be it further enacted*, That it shall be unlawful in said county for any railroad company, express company or other company, or corporation, or steamboat, or carrier, or any private individual, to have in possession, or receive for transportation, or carriage, or for any purpose whatsoever, any of the birds, or game mentioned in the preceding sections of this act during the seasons when the catching, killing or injuring the same is prohibited.

Penalty.      SEC. 5. *Be it further enacted*, That any person or persons, violating the provisions of this act by killing, catching, selling, offering for sale, purchasing or having in possession any of the birds or game prohibited from being killed, caught, sold, offered for sale, purchased, or held in possession, in the preceding sections of this act within the dates and seasons so prohibited in said sections, in any place in said county, shall for each of the birds, and each head of game, and each piece of fresh venison so killed, caught, sold, purchased, or exposed for sale, or had in possession, pay a fine of not less than one nor more than ten dollars for each bird, or duck, and not less than five nor more than twenty dollars for each turkey, and not less than twenty-five nor more than fifty dollars for each buck, doe or fawn, or piece of fresh venison, and not less than five nor more than ten dollars for each nest or part of nest of eggs, robbed, broken up or destroyed in any manner, of the birds or game herein prohibited, together with the costs of the prosecution; *Provided*, that justices of the peace shall, concurrently with the Circuit Court, have jurisdiction and authority to try all violations of this act, the defendant having the right of appeal as in other cases.

Collection and disposal of fine.      SEC. 6. *Be it further enacted*, That upon the collection of any fine or judgment for any violation of the provisions of this act, one-half of such fine or judgment shall go to the informer and the other half shall be paid the county superintendent of education, or other proper officials, of the public schools of said county, by them to be

prorated for the benefit of the said public schools in Perry county, amongst the different townships; *Provided*, that any person entitled to any portion of the fine or fines imposed under the provisions of this act shall be allowed to testify upon the trial of any cause under this act.

SEC. 7. *Be it further enacted*, That it shall be the duty of all sheriffs, constables, market masters, or clerks and police officers in said county, to arrest all persons violating, or in the act of violating, any of the provisions of this act, and take him or them before a justice of the peace, or other officer having jurisdiction for the purpose of punishment.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed; and this act shall go into effect immediately upon the approval by the governor.

Approved February 7, 1885.

No. 207.]

AN ACT

[H. B. 332.

To provide for a board of assessors for the town of Anniston, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town council of Anniston, Alabama, shall, between the first days of January and February in each year, appoint two experienced resident freeholders, who, together with the clerk of the council, shall constitute a board of assessors, any two of whom may act between the first day of February and the first day of April; it shall be the duty of said board of assessors to appoint by publication in some newspaper published in said town for ten days, or by posting notice for the same length of time at the post office door in said town, a place where, for five consecutive days, they shall remain from 9 o'clock a. m. to 3 o'clock p. m. each day, to which place all persons liable to taxation shall report and declare under oath, or affirmation, the amount of their taxable property, giving each item thereof; also, to state what business or occupation they are engaged in, together with the full value of all the property owned by them on the

Duty of board  
of assessors of  
Anniston.

first day of January of such year. If any one shall fail or refuse to report and make the return as herein directed, it shall be the duty of said board to value the property of said person or persons fairly, and assess it accordingly; and said board shall assess all property whose owner is unknown. Said assessment shall be completed by the first day of May in each year, and it shall be the duty of said board to examine in person, before the said first day of May, all the real estate within the corporate limits of said town, and assess it at its cash value, on the first day of January in said year, and shall return said assessment, together with the names of the owners of the property assessed, as soon as practicable. The assessors shall, before beginning the assessment, take and subscribe, before the mayor, an oath to discharge the duties of assessors faithfully, impartially, and to the best of their ability, and to make a true and correct return thereof. They shall receive for the services such compensation as the council may allow. When the assessments are completed the council shall give at least ten days public notice that the assessments of the current year are closed, and appoint a time to hear and determine all complaints and to correct all errors and inequalities, and to supply all omissions and deficiencies that may appear in said assessments, and when the same are passed by the council they shall have the force and effect of judgments at law, and executions may issue thereon; but before the sale of any property for taxes the tax collector, or whoever shall be authorized to act as such, shall, after levy, give ten days notice, in the case of personal property, and thirty days notice in the case of real estate, by publication, in a newspaper published in said town, of the amount of taxes due on such property, and, if not paid, shall proceed to sell the same, or sufficient thereof, to pay said taxes, together with all lawful costs and charges.

Penalty for failing or refusing to make return.

Must examine property.

Compensation.

Notice.

Repeal of laws in conflict

SEC. 2. *Be it further enacted*, That all laws, or parts of laws, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 7, 1885.

No. 208.]

AN ACT

[H. B. 337.]

To prohibit the manufacture, sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, or other intoxicating beverages, except wine for sacramental purposes, within five miles of Eclectic, in Elmore county, and within four miles of the M. E. church at the village of Elmore, in Elmore county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to manufacture, sell, give away, or furnish to any other person any spirituous, vinous, malt liquors, or other intoxicating beverages, except wine for sacramental purposes, within five miles of the high school building at Eclectic, in the county of Elmore, and within four miles of the Methodist Episcopal church, South, at the village of Elmore, in Elmore county. Any person violating this act shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than five hundred dollars, and unless the fine is presently paid, or secured by confession of judgment, shall be imprisoned in the county jail for not less than fifty or more than one hundred days, or sentenced to hard labor for the county for a like period of time in the discretion of the court trying the cause; *Provided*, nothing in this act shall prohibit physicians in their regular practice from prescribing and giving to their patients wine or other stimulants when in their opinion the same is necessary.

Prohibition in  
certain parts of  
Elmore co.

Penalty.

Approved February 7, 1885.

No. 209.]

AN ACT

[H. B. 339.]

To make the clerk of the Circuit Court of Morgan county an ex-officio clerk of the County Court.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the clerk of the Circuit Court of Morgan county be and he is hereby made ex-officio clerk of the County Court of said county, and shall do and perform all such duties as may

Clerk of circuit  
court ex officio  
clerk of county  
court in Mor-  
gan county.

be required of him by law as the clerk thereof, and shall receive all such fees as are now or may be allowed him for services performed in the County Court the same fees as are allowed the clerk of the Circuit Court.

Duties of.

SEC. 2. *Be it further enacted*, That whenever a complaint is filed with or made before the judge of the County Court of said county of Morgan against any person charged with a criminal offense, it shall be the duty of the clerk of the Circuit Court as ex-officio clerk of the County Court of said county of Morgan to forthwith issue a warrant of arrest for said person.

Judge's fees.

SEC. 3. *Be it further enacted*, That the judge of the County Court of said county of Morgan shall receive the same fees where a complaint is made before him that he now receives when a warrant of arrest is issued by him.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act, are hereby repealed.

Approved February 7, 1885.

No. 210.]

AN ACT

[H. B. 372.]

To form a separate school district in the territory southwest of Lost Creek, in township 14, range 8 west, and that part of township 14, range 9 west, being within the radius of one and one-half miles of Pleasant Hill church, in the county of Walker.

Sep' rates school district, Walker county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following described territory, to-wit: All that part of township 14, range 8 west, southwest of Lost Creek, and that part of township 14, range 9 west, being within the radius of one and one-half miles of Pleasant Hill church, in the county of Walker, be and the same is hereby constituted a school district, separate and apart from the remainder of the townships from which the same has been taken, to be known as Pleasant Hill school district, and shall be under the supervision of a district superintendent of public schools appointed by the county superintendent of education, with power to transact all matters pertaining thereto.

Approved February 7, 1885.

No. 211.]

AN ACT

[H. B. 394.]

To increase the number of grand and petit jurors in Winston county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act that it shall be the duty of the officers whose duty it is by law to draw and summon jurors in and for the county of Winston to draw and summon on venire 15 grand and 24 petit jurors to serve at each term of the Circuit Court in said county according to the rules prescribed by the general statutes of the State of Alabama.

To increase  
number of ju-  
rors in Win-  
ston county.

SEC. 2. *Be it further enacted,* That if any of such persons so summoned shall fail to attend, that it shall be the duty of the court to complete said juries as provided by the general statutes of the State.

Failure to at-  
tend summons.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with this act, be and the same is hereby repealed.

Approved February 7, 1885.

No. 212.]

AN ACT

[H. B. 403.]

To collect and disburse all moneys due the fine and forfeiture fund of Choctaw and Covington counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all claims against said fund, not registered under the Code, shall be registered by the county treasurer in a book to be kept by him, and said claims shall be numbered in the order they are presented.

Fine and for-  
feiture fund of  
Choctaw and  
Covington.

SEC. 2. *Be it further enacted,* That all claims against said fund shall be presented and registered within six months from the date they were issued, and any claim not presented and registered as aforesaid shall be forever barred; *Provided,* that any claim issued prior to the passage of this act shall be registered as a valid claim against said fund, if presented within six months from the passage of this act.

SEC. 3. *Be it further enacted,* That notice of the

Notice by co. treasurer.	passage and requirements of this act shall be made by the county treasurer in a newspaper published in said counties respectively, for four weeks consecutively, notifying all persons having claims against said fund to present them for registration.
Collections in current funds.	SEC. 4. <i>Be it further enacted</i> , That all fines and forfeitures, and all sums of money, which, by law are payable to said fund, shall be collected, and paid into the county treasury of said counties respectively, in current legal tender notes, bank bills, gold or silver coin, and not otherwise.
Payment by registry.	SEC. 5. <i>Be it further enacted</i> , That the county treasurer shall appropriate and pay out, all moneys of said fund, upon claims registered as aforesaid, and in the order they are numbered, and registered in said book of registration and not otherwise.
Penalties of officials.	SEC. 6. <i>Be it further enacted</i> , That any sheriff, clerk, county treasurer or other officer, collecting or disbursing the moneys of said fund, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty nor more than fifty dollars.
Judge's charge to grand jury.	SEC. 7. <i>Be it further enacted</i> , That the presiding judge of the Circuit Court, shall give this act in charge to the grand jury at each term of the Circuit Court.
Goes into effect.	SEC. 8. <i>Be it further enacted</i> , That this act take effect and be in force, from and after its passage, and all acts in conflict with this act, be and the same are hereby repealed.

Approved February 7, 1885.

No. 213.].

AN ACT

[H. B. 422.

To prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors or intoxicating beverages or bitters within four miles, north, south, west and east, to the county line at the New Providence Academy, Crenshaw county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give

away or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters, or any intoxicating beverages within four miles of New Providence Academy, Crenshaw county, Alabama; *Provided*, that nothing contained in this act shall apply to any part of the county of Pike.

Prohibition in four miles of New Providence academy.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not less than twenty days nor more than three months.

Penalty.

Approved February 7, 1885.

No. 214.]

AN ACT

[H. B. 479.]

To authorize the town of Jacksonville to borrow money, by the issuance of new bonds, for the purpose of commissioning and paying the outstanding bonds of said town issued for the purpose of constructing water works for said town.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Jacksonville, in the State of Alabama, by its corporate authorities, be and is hereby authorized and empowered to cause to be prepared and issued, bonds of the town of Jacksonville, not exceeding in the aggregate sixteen thousand dollars, said bonds to be issued for the sum of one hundred dollars each; said bonds shall be signed by the mayor and countersigned by the treasurer of said town and shall have attached thereto interest coupons, signed and numbered to correspond with the bond and setting forth the amount of interest which will be due at the time named in said coupons; said bonds shall bear interest at the rate of five per cent. per annum, payable semi-annually. The mayor of said town shall keep a book of registration in which he shall keep the number, description and amount of all bonds issued by him under the provisions of this act; and he shall issue said bonds on the order only of the mayor and aldermen of said town. Said bonds shall be issued to run for a pe-

To authorize town of Jacksonville to borrow money.

Amount of bonds.

Interest.

Mayor to keep book of registration.

May call in and  
redeem.

riod of twenty-five years before maturity ; *Provided*, the corporate authorities of said town shall have the privilege and authority to call in and redeem any of said bonds before their maturity, after five years from the date of their issue upon payment of the principal and interest then due. These bonds and coupons when due, at any time thereafter, shall be received, when presented, at their par value in payment of all dues to said town and for all taxes levied for the use thereof.

SEC. 2. *Be it further enacted*, That the bonds issued under the provisions of this act may be sold by the corporate authorities of said town, and the proceeds arising from the sale thereof shall not be used for any other purpose than to pay off and discharge the bonds now outstanding against said town ; and it shall be the duty of the mayor and aldermen of said town to enforce this section.

Taxation to  
pay interest &  
principal.

SEC. 3. *Be it further enacted*, That the mayor and aldermen of said town shall have power, and it is hereby made their duty to levy from time to time, each and every year, within the constitutional provisions for taxation, a sufficient tax to pay at maturity all interest and principal of said bonds that may become due, which tax is not to be included or used in the ordinary expenses of said town, and it is made the duty of the mayor and aldermen of said town to see that the money so collected shall be applied to the payment alone of the principal and interest of said water works bonds.

Outstanding  
bonds called  
in.

SEC. 4. *Be it further enacted*, That the holders of the bonds, outstanding against the town of Jacksonville, issued in the construction of said water works shall present the same to the mayor of the said town of Jacksonville, Alabama, within twelve months after the passage of this act or within twelve months after notice by publication once a week for six successive weeks in the Montgomery Advertiser and the Jacksonville Republican ; and upon failure to do so, all coupons then due shall be forfeited by the owner or holder thereof to said town.

SEC. 5. *Be it further enacted*, That the mayor and aldermen of said town be authorized to allow all just and reasonable expenses incurred in carrying out the provisions of this act as proper claim against said town.

Approved February 7, 1885.

No. 215.]

AN ACT

[H. B. 507.]

To repeal an act entitled an act to establish the fees of the county treasurer of Washington county, approved February 24th, 1872.

SECTION 1. *Be it enacted by the General Assembly of* <sup>Fees of treasurer of Washington county.</sup> *Alabama,* That an act entitled an act approved February 24th, 1872, to establish the fees of the county treasurer of Washington county, be, and the same is hereby repealed.

Approved February 7, 1885.

No. 216.]

AN ACT

[H. B. 513.]

To prohibit the sale, bartering or giving away of spirituous, vinous or malt liquors within five miles of Zion church, in section 15, township 15, range 7 west, in Walker county; and within the limits of beat No. 1, (Jasper beat), in Walker county; and within three miles of Shady Grove church in beat No. 13, in Walker county.

SECTION 1. *Be it enacted by the General Assembly of* *Alabama,* That it shall be unlawful for any person to sell, barter or give away any spirituous, vinous or malt liquors <sup>Prohibition in certain parts of Walker co.</sup> within five miles of Zion church in section 15, township 15, range 7, west, in Walker county; and within the limits of beat No. 1 (Jasper beat), in Walker county; and within three miles of Shady Grove church in beat No. 13, in Walker county.

SEC. 2. *Be it further enacted,* That any person who <sup>Penalty.</sup> shall violate the provisions of the first section of this act shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months at the discretion of the court trying the same.

Approved February 7, 1885.

No. 217.]

AN ACT

[H. B. 547.]

To authorize the Court of County Commissioners of Walker county to issue bonds of said county for an amount not exceeding twenty thousand dollars, for the purpose of building a court house in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Court of County Commissioners of the county of Walker be, and they are hereby authorized to issue the bonds of said county of Walker to an amount not exceeding twenty thousand dollars, or so much thereof as said court may deem necessary for the purpose hereinafter named, in sums of one hundred dollars, and payable at such time and place as said court may designate, not exceeding ten years from the date thereof, and redeemable at the pleasure of said county at any time within the said period of ten years, with coupons attached bearing interest at a rate not exceeding eight per cent. per annum, and payable semi-annually, to bearer.

Walker county  
to issue bonds  
to build a court  
house.

Amount.

Time to run  
and interest.

Record kept.

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall be signed by the probate judge and countersigned by the county treasurer of said county, and the seal of the probate judge shall be affixed thereto, and the said county treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

Reg'lar or spe-  
cial court.

SEC. 3. *Be it further enacted*, That the said Commissioners' Court of said Walker county are hereby authorized to do any and all things authorized by this act, which may be necessary to carry out the powers hereby granted, either through themselves, or by any agent or agents duly appointed by them for that purpose, at any term of said court, whether at a regular or special term thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said court, shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Sale of bonds.  
County treas-  
urer custodian.

SEC. 4. *Be it further enacted*, That the Commissioners' Court of said county are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than

par (100 cents on the dollar); and the proceeds of said bonds shall be paid over to and kept by the treasurer of said county, and to be used and applied to pay for the building material and erection of a court house in and for said county, at the county seat thereof; such use, payment and application of said proceeds to be under the direction and by authority of said Court of County Commissioners, and the said county treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity, the same as for other county funds or money in his hands as such treasurer; and there shall be a commission of two per cent. paid said county treasurer for disbursing the funds arising from the sale of the bonds named in this act.

SEC. 5. *Be it further enacted*, That it shall be unlawful for the said Court of County Commissioners, or any member thereof, or any of the officials of said county of Walker, to apply the proceeds of the sales of any of the bonds issued by authority of this act to any other purpose than that hereinbefore specified.

SEC. 6. *Be it further enacted*, That in order to pay the interest and principal of the bonds issued by authority of this act, the said Court of County Commissioners is hereby authorized and required to levy a special tax, from time to time, upon all property, licenses and business, subject to a State tax under the revenue laws of the State, situated or located within the limits of said county. Special tax.

SEC. 7. *Be it further enacted*, That the bonds and coupons thereof, herein authorized to be issued, shall, as they respectively mature and become payable, be received for all county taxes in said county of Walker. Coupons receivable for taxes.

Approved February 7, 1885.

To amend section one of an act entitled an act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, approved February 13th, 1879, so far as the same relates to the county of Lowndes.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, in so far as the same relates to Lowndes county, be so amended as to read as follows:

Amendment of  
game law as to  
Lowndes co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful, at any place in the county of Lowndes, to catch, kill, injure or pursue with such intent, any wild buck, doe or fawn, between the 14th day of February and the 20th day of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any wild turkey, between the first day of April and the 20th day of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove, sometimes called mourning dove, between the first day of April and the 4th day of July; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any quail, sometimes called a partridge, between the 15th day of March and the 10th day of October; and it shall be unlawful at any time, and at all seasons, to catch, kill or injure, or pursue with such intent, the mocking bird, cat bird, or thrush; or to trap, net or snare any quail, sometimes called a partridge, or to sell, or offer for sale, or have in possession any quail, sometimes called a partridge, that has been so caught in any trap, net or snare; but the above provision as to trapping, netting and snaring quail or partridge, shall not apply to the owner of the land upon which the same may be done.

Approved February 7, 1885.

No. 219.]

AN ACT

[H. B. 10.]

For the preservation of game and birds in beat 5, in Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful at any place in beat 5, in Barbour county, to catch, kill or injure, or pursue with such intent, any wild turkey, between the first day of May and the twentieth day of October; and it shall also be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove, sometimes called mourning dove, between the first day of May and the first day of August; and it shall also be unlawful to catch, kill or injure, or pursue with such intent, any quail, sometimes called a partridge, between the first day of May and the fifteenth day of September.

Game law in  
Barbour co.

SEC. 2. *Be it further enacted*, That it shall be unlawful, at any place named in section one, for any person to destroy or rob the nest of any wild turkey, partridge or dove.

SEC. 3. *Be it further enacted*, That any persons violating the provisions of this act by catching, killing or injuring, or pursuing with such intent, any of the birds or game mentioned in section one of this act, or robbing any bird's nest mentioned herein, shall, for such violation thereof, be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than three nor more than twenty dollars.

Penalty.

SEC. 4. *Be it further enacted*, That justices of the peace shall have jurisdiction of offenses committed in violation of this act.

Approved February 10, 1885.

No. 220.]

AN ACT

[H. B. 85.]

To repeal an act for the preservation of game, animals and birds in the counties of Lamar, Marion and Coosa so far as the same applies to the county of Coosa.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act for the preserva-

Repeal of game  
law as to Coosa  
county.

tion of game, animals and birds for the counties of Lamar, Marion and Coosa, approved March the first 1881, be and the same is hereby repealed so far as the provisions of the same apply to the county of Coosa.

Approved February 10, 1885.

No. 221.]

AN ACT

[H. B. 126.

To repeal an act entitled an act to amend an act entitled "an act to prevent in certain cases the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats numbers 1, 2, 3, 4, 5, 6, 7, 8 and 9, of Hale, and of cotton produced in said counties, so as to include Brush creek beat in Perry county, within the provisions of said act," approved January 29th, 1883, so far as the same applies to Brush creek beat in said county of Perry.

Repeal of act  
as to Brush  
Creek beat in  
Perry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "an act to prevent in certain cases, the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats numbers 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Hale, and of cotton produced in said counties so as to include Brush creek beat in Perry county, within the provisions of said act," approved January 29th, 1883, be and the same is hereby repealed so far as it applies to Brush creek beat in said county of Perry.

Approved February 10, 1885.

No. 222.]

AN ACT

[H. B. 281.

To regulate the drawing of grand juries of Marion county and to prescribe their compensation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this bill, a grand jury not more than fifteen in number shall be

drawn as now required by law for Marion county from the names of persons qualified by the existing laws of the State to serve as grand jurors.

SEC. 2. *Be it further enacted*, That said grand jury so drawn as aforesaid shall be entitled to and receive one dollar and fifty cents for each days service as such grand jurors, and five cents per mile in traveling to and from the court house when attending as such jurors, to be paid out of the county treasury of said county on a proper certificate of attendance, and number of miles traveled.

To regulate  
gr'nd juries in  
Marion co.

Approved February 10, 1885.

No. 223.]

AN ACT

[H. B. 510.

To regulate the time of holding the Commissioners' Court of Washington county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the time of holding the Commissioners' Court of Washington county shall be on the 2nd Mondays of January, April, August and November.

Comm'rs court  
in Washington  
county.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act, are hereby repealed.

Approved February 10, 1885.

No. 224.]

AN ACT

[H. B. 764.

To create a board of education for the town of Brownsville, and to prescribe the powers and duties of the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the public schools of the town of Brownsville shall be under the charge of a board of education, to consist of the mayor of Brownsville and six other persons to be elected by the mayor and aldermen of said town. The present board of education, created by the mayor and aldermen of said town, shall exercise the

Board of edu-  
cat'n, Browns-  
ville.

powers and perform the duties hereinafter provided, and the members thereof shall hold their offices during the time for which they were elected. After the expiration of the term of office of the members of the present board, the members thereof shall be elected to serve for the term of three years, and two of said members shall be elected annually. The successor of each member of the present board shall be elected at the expiration of the term of office of such member, and for a term of three years.

Oath of office.

SEC. 2. *Be it further enacted*, That each member of the said board of education, except the mayor, shall upon his induction into office, subscribe an oath, or affirmation, to faithfully discharge all the duties enjoined upon him as a member of said board; such oath may be administered by the mayor of said town.

Power to build or rent,

SEC. 3. *Be it further enacted*, That said board of education shall have power to build upon the property of the town suitable houses for the use and accommodation of the public schools of said town, or the said board may rent such houses; said board shall keep such houses in proper repair, and shall furnish the same with appropriate furniture and apparatus.

To open sufficient number of schools.

SEC. 4. *Be it further enacted*, That said board of education shall open a sufficient number of schools to meet the wants of the population of the town of Brownville, and said board shall elect a town superintendent of education, a superintendent of said schools, the principals thereof, and all teachers, fix their compensation, and prescribe their duties, control the distribution of teachers and pupils among the several schools, dictate the course of instruction, the number and character of text books, the organization of classes, and the method of teaching, and shall prescribe rules and regulations for the government of the schools; said board shall have and exercise such other powers as may be necessary to give it complete control of the public schools of said town.

Election of teachers.

May issue diplomas.

SEC. 5. *Be it further enacted*, That said board of education shall issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public schools of said town.

Rules and regulations.

SEC. 6. *Be it further enacted*, That the plan of instruction, and the rules and regulations adopted by said board shall be adhered to, unless altered by a vote of two-thirds of said board.

SEC. 7. *Be it further enacted*, That the children and wards of all actual residents, within the corporate limits of the town of Browneville, from seven to twenty-one years of age, shall be entitled to seats as pupils in the public schools of said town; *Provided*, such children shall themselves be *bona fide* residents of said town, and non-residents' children may be admitted into such schools on such terms and conditions as the board of education may prescribe; *Provided*, that separate schools shall be provided for the children of citizens of African descent.

Who entitled to scholarship.

Separate school for colored pupils.

SEC. 8. *Be it further enacted*, That the board of education shall have power to charge in the several grades of said schools, such incidental or other fees as may be deemed necessary for the proper conduct of said schools.

Charges.

SEC. 9. *Be it further enacted*, That it shall be the duty of said board of education, before the first Monday of April in each year, to prepare and file with the mayor of Browneville, an estimate of the money that will be required for the maintenance of the public schools of the town for the succeeding scholastic year, and for the erection and repair of necessary school buildings; and the board of mayor and aldermen of said town shall make the necessary provision to supply the funds required in said estimate.

Duty of board.

SEC. 10. *Be it further enacted*, That all funds devoted to public school purposes in the town of Browneville, whether derived from the State, county or town, shall be paid into the treasury of said town, and shall be disbursed in such manner as the board of education may direct; *Provided*, that not more than four per cent. of the money derived from the State shall be used otherwise than for the payment of teachers employed in such schools.

Disbursement of funds.

SEC. 11. *Be it further enacted*, That the board of education shall have authority to create a board for the examination of applicants for positions as teachers in the public schools of the town of Browneville, and no person shall be elected as a teacher in such public schools who shall not have received a license from such board.

Examination of teachers.

SEC. 12. *Be it further enacted*, That the board of education may, in its discretion, institute annual competitive examinations before such persons as the board may select of applicants for positions as teachers in such schools, who are applicants for re-election as teachers.

Competitive examination.

SEC. 13. *Be it further enacted*, That all laws in con-

flict with the provisions of this act, be and the same are hereby repealed.

Approved February 10, 1885.

No. 225.]

AN ACT

[H. B. 819.

To constitute Mary Miller a free dealer.

Mary Miller a  
free dealer.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Mary Miller, wife of Daniel J. Miller, of Marshall county, be and she is hereby declared a free dealer; she may sue and be sued in her own name without joining in the suit the name of her husband or any other person; she may in her own name contract and be contracted with, and all money, property or effects acquired by her labor, industry or otherwise, shall be free from the debts, liabilities and control of her present or any future husband and shall constitute her sole and separate estate in the same manner as if she were a *femme sole*.

Approved February 11, 1885.

No. 226.]

AN ACT

[S. 288.

For the relief of W. W. Daffin, clerk of the Circuit Court of Clarke county, and of Thomas B. Morriss, late clerk of the Circuit Court of Clarke county, and of H. W. Burge and David Carter, late sheriffs of Clarke county.

Relief of clerks  
and sheriffs of  
Clarke co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor be and is hereby authorized and required to draw his warrant on the treasurer of the State for the sum of eighty-three 35-100 dollars in favor of Thomas B. Morriss, late clerk of the Circuit Court of Clarke county; for the sum of seventeen 55-100 dollars in favor of H. W. Burge, late sheriff of Clarke county; for the sum of five 20-100 dollars in favor of David Carter, late sheriff of Clarke county, for official services in the case of the State of Alabama v. Seth J. Parker, J. B. Mabley et al., and for nineteen 45-100 in favor of W.

W. Daffin, clerk of the Circuit Court of Clarke county, for official services in same case above mentioned; and for the sum of thirty-four 25-100 dollars in favor of Thomas B. Morris, late clerk of the Circuit Court of Clarke county; and for the sum of sixty-one 20-100 in favor of W. W. Daffin, clerk of the Circuit Court of Clarke county; and for the sum of five 85-100 dollars in favor of H. W. Burge, late sheriff of Clarke county; and for the sum of one 30-100 in favor of David Carter, late sheriff of Clarke county for official services in case of the State of Alabama v. Seth J. Parker, A. M. Wing and others.

Approved February 12, 1885.

No. 227.]

AN ACT

[H B. 26.]

To repeal an act to amend section 4369 of the Code, approved February the 12th, 1879, so far as the same applies to the counties of Dale, Fayette, Winston, Marion, Cullman and Walker.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled an act to amend section 4369 of the Code, approved February the 12th, 1879, be and the same is hereby repealed, so far as the same applies to the counties of Dale, Fayette, Winston, Marion, Cullman and Walker. Repeal of section 4369 as to certain counties.

Approved February 12, 1885.

No. 228.]

AN ACT

[H. B. 61.]

To amend section 1632 (1323) of the Code, as to St. Clair county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1632 (1323) of the Code, be and the same is hereby amended as to read as follows:

§ 1632 (1323). *Road precincts, apportioners and overseers.*—For the purpose of keeping roads in repair, the court of county commissioners, at its first term in Amendment of road law as to St. Clair co.

every second year, must divide the county into a convenient number of road precincts, and must, at the same court, appoint three apportioners for each election precinct and one overseer for each road precinct. Such apportioners and overseers must be between the ages of twenty-one and forty-five years; and the probate judge shall issue commissions to said apportioners and overseers as now provided by law.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; *Provided*, that this act shall apply only to the county of St. Clair.

Approved February 12, 1885.

No. 229.]

AN ACT

[H. B. 87.

To amend section 1632 of the Code of Alabama, so far as the same relates to Dale county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1632 of the Code of Alabama be amended so far as the same relates to Dale county, so as to read as follows, to-wit:

Amendment of road law, Dale county. For the purpose of keeping roads in good repair the court of county commissioners, at its first term in every second year, must divide the county into a convenient number of road precincts, and must, at the same court, appoint three apportioners for each election precinct, which apportioners shall forthwith proceed to appoint an overseer to each road precinct. Such overseer must be between the ages of twenty-one and forty-five years; and the apportioners must, within five days after making such apportionment, notify each overseer, in writing, of his appointment, which notice shall have the force and effect of a commission, as now prescribed by law; and the apportioners must return a list of overseers appointed by them, and of each appointment to the probate judge of Dale county within twenty days after such appointment, and for any violation of the provisions of this act such apportioners, so violating, shall be guilty of a misdemeanor, and upon conviction must be fined and pay in

addition to all costs for the use of the public roads and bridges in the county not less than twenty dollars.

Approved February 12, 1885.

No. 230.]

AN ACT

[H. B. 102.

To provide for the security and protection of the public bridges in the county of Geneva.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to float any raft of timber or logs or loose logs down any of the streams of the county of Geneva where there are one or more public bridges, without having first filed a bond approved by the judge of probate in the office of the judge of probate in said county—the bondsmen must also be citizens of said county, such bond to be payable to the county and in the sum of not less than five hundred nor more than one thousand dollars at the discretion of the judge of probate; such bond shall be conditioned to pay to the county all such damages as may result to any of the public bridges therein in consequence of the floating of any timber or logs over any of the streams in said county where such bridge is located, the person or persons in charge of the timber or logs shall have twenty days in which to repair such damage or injury before the bringing of the suit hereinafter provided for.

For protection of bridges in Geneva co.

Bond and bondsmen.

SEC. 2. *Be it further enacted,* That whenever any public bridge shall suffer any injury or damages in said county, in consequence of the floating of any timber or logs upon any of the streams, it shall be the duty of the judge of probate, to cause a suit to be instituted upon the bond aforesaid, for all such damages as the county has sustained in consequence of such injury to any such bridge, such suit to be brought in the court having jurisdiction, in all respects as other suits upon bonds for a breach of the consideration thereof.

Suit for damages.

SEC. 3. *Be it further enacted,* That any person or persons who shall float, or put in any of the streams, in the county aforesaid for the purpose of floating any tim-

Penalty.

ber or logs without having complied with section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for such misdemeanor, not less than one hundred nor more than three hundred dollars.

Approved February 12, 1885.

No. 231.]

AN ACT

[H. B. 134.

To amend section 1653 (1346) of the Code as to St. Clair county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1653 (1346) of the Code be amended so as to read as follows:

§ 1653 (1346). *Contracts for mile posts and sign boards.*—The court of county commissioners shall make contracts for making and painting mile posts and sign boards on the certificate of the overseer, verified by affidavit as to the necessity for the same on his road precinct, and the contract price therefor must be paid out of the county treasury.

Mile posts and  
sign boards in  
St. Clair co.

SEC. 2. *Be it further enacted*, That said section of the Code and all laws in conflict with the provisions of this act, be and the same are hereby repealed; *Provided*, that this act shall apply only to the county of St. Clair.

Approved February 12, 1885.

No. 232.]

AN ACT

[H. B. 194.]

To amend section 2 of an act entitled an act, "to provide for the election of the county superintendent of education and township trustees of public schools by a vote of the people in the counties of Lamar, Cherokee, Madison, Jackson, Colbert, Franklin, Blount, Lawrence, Marion, Cullman, DeKalb, Walker, Crenshaw, Fayette, Winston, Tallapoosa, Etowah and Dale, and for the election of superintendent of education in Dale county," approved February 23d, 1883, so far as the same relates to Walker, Cullman, Fayette, Winston, Blount and Lawrence counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act entitled an act to provide for the election of the county superintendent of education and township trustees of public schools by a vote of the people in the counties of Lamar, Cherokee, Madison, Jackson, Colbert, Franklin, Blount, Lawrence, Madison, Cullman, DeKalb, Walker, Crenshaw, Fayette, Winston, Tallapoosa, Etowah and Dale, and for the election of superintendent of education in Dale county, approved February 23d, 1883, be and the same is hereby amended so as to read as follows, so far as the same relates to the counties of Walker, Cullman, Fayette, Winston, Blount and Lawrence: Election of superintendent's of education in certain counties.

SEC. 2. *Be it further enacted*, That there shall be appointed three trustees of public schools in each township by the county superintendent of education the counties of Walker, Cullman, Fayette, Winston, Blount and Lawrence, who shall hold their offices two years and until their successors are appointed and qualified; they shall have immediate supervision of public schools in their respective townships, and a majority of them shall be a quorum to transact any business. None but householders or freeholders residing in the township shall be eligible to said office; *Provided*, that this amendment shall not take effect until after the expiration of the terms of office of the present trustees of said counties. Appointment of trustees. Goes into effect.

Approved February 12, 1885.

No. 233.]

AN ACT

[H. B. 202.]

To require all fines and forfeitures hereafter imposed in the counties of Franklin, Cherokee, Randolph and Blount for selling, giving away or otherwise disposing of spirituous, malt, vinous or intoxicating liquors or beverages, including fines for violation of the local prohibition laws of said counties, to be paid in legal tender currency of United States exclusively.

**Fines and forfeitures payable in U. S. currency.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all fines and forfeitures imposed in the counties of Franklin, Cherokee, Randolph and Blount, after the approval of this act, for selling, giving away, or otherwise disposing of spirituous, malt, vinous, or other intoxicating beverages or liquors (including fines imposed for violating the local prohibition laws of said county) shall be paid exclusively in legal tender currency of the United States.

SEC. 2. *Be it further enacted,* That nothing in this act contained shall be held or construed to apply to fines and forfeitures imposed for offences committed prior to the approval of this act.

**Takes effect.** SEC. 3. *Be it further enacted,* That this act take effect from and after its approval.

SEC. 4. *Be it further enacted,* That all laws and parts of laws, in conflict with this act, be and the same are hereby repealed.

Approved February 12, 1885.

No. 234.]

AN ACT

[H. B. 222.]

To regulate the fine and forfeiture fund of the county of Marshall.

**Fine and forfeiture fund of Marshall co.** SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county treasurer of Marshall county, or any other person or persons acting as such for said county, shall keep a register of all claims which are payable out of the fines and forfeitures of said county, showing date of claim, when and how the same accrued, and the date of its registration, and no claim payable out

of said fund shall in any manner be received or paid until the same has been registered, and said claims shall be paid by the county treasurer or any other person or persons acting as such in the order of their registration.

SEC. 2. *Be it further enacted*, That all persons holding claims against the fine and forfeiture fund of said county of Marshall shall present the same to the county treasurer for registration within three months from the passage of this act or the same will be barred; and all claims hereafter issued against the fine and forfeiture fund of said county shall be presented to the county treasurer for registration within twelve months from the date of their accrument or the same will be barred. Claims barred after certain date.

SEC. 3. *Be it further enacted*, That all fines and forfeitures, assessed or imposed by any court in said county of Marshall, shall be collected by the officer whose duty it is to make such collection in lawful money of the United States and none other. How collected.

SEC. 4. *Be it further enacted*, That when any convict is sentenced to hard labor for the county to pay the fine and costs, the hirer of such convict shall pay to the proper officer the costs due the State's witnesses and officers of the court, which accrued in such conviction in behalf of the State in advance, and such sum shall be placed to the credit of the fine and forfeiture fund, and shall be disbursed by the treasurer or person acting as such according to the provisions of the first section of this act. Convict labor.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed, so far as they concern Marshall county.

Approved February 12, 1885.

No. 235.]

AN ACT

[H. B. 223.

To amend an act entitled an act to protect fish in the counties of Madison, Jackson, Marshall and Morgan, approved February 23, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act to protect fish in the counties

of Madison, Jackson, Marshall and Morgan, approved February 23, 1883, be amended to read as follows:

Protection of  
fish in certain  
counties.

SEC. 1. That it shall be unlawful for any person to catch fish in any of the waters of Marshall, Madison, Jackson, Lauderdale and Morgan counties by wing nets, or any kind of nets stretched across the mouth of streams, torpedoes or any explosives.

Penalty.

SEC. 2. *Be it further enacted*, That any person who shall catch fish in any of the waters of said counties of Marshall, Madison, Jackson, Lauderdale and Morgan, by using nets or by means of explosives, shall be guilty of a misdemeanor and upon conviction before any court having jurisdiction of the offense, shall be fined not less than ten nor more than one hundred dollars.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 12, 1885.

No. 236.]

AN ACT

[H. B. 229.

To provide for the keeping in better repair the public roads and highways of Morgan county.

Public roads of  
Morgan co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners shall have power to direct and require the apportioners of hands on public roads to also apportion the wagons and teams, or either separately, for not more than three days in each year to be employed under the direction of the overseers for public road, provided that wagons and teams shall not be so employed from the first day of May to the fifteenth day of July. Said overseers of wagons and teams shall have the privilege of furnishing a driver for his own wagon and team, and if the driver load and unload the wagon under the direction of the overseer or help do so, such wagon and team shall be liable for but two-thirds time.

Justice of the  
peace may give  
certificate of re-  
lease.

SEC. 2. *Be it further enacted*, That justices of the peace shall give a certificate of release for road only for one year to any person liable thereto who shall pay to him the commutation sum of six dollars, which sum he

shall pay out to the order of the overseer for work done upon the road upon which said person was apportioned. The justices of the peace must notify overseers within twenty days after such funds come into their hands, and that he may retain ten per cent. of such funds as compensation for his services.

SEC. 3. *Be it further enacted*, That said court shall require the apportioners to make their apportionment so as to bear equally upon all affected by this act. Apportionm't

SEC. 4. *Be it further enacted*, That the overseers shall be the custodian of tools so bought, of which he shall take good care and that he or any other person using said tools for other than road work, shall be guilty of a misdemeanor and fined not less than five dollars. Overseer cus-  
todian of tools.

SEC. 5. *Be it further enacted*, That the tools shall be turned over by overseers to their successors, whose receipts they shall take and deposit with the senior justice to be kept on file.

Approved February 12, 1885.

No. 237.]

AN ACT

[H. B. 252.]

To fix the compensation of the commissioners of roads and revenues of the county of Talladega.

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That on and after the passage of this act each of the commissioners of roads and revenues for the county of Talladega shall be entitled as compensation for their services the sum of four dollars per day for each day in which they are engaged sitting as a court; *Provided*, that the provisions of this act shall not apply to the compensation of the probate judge as *ex officio* member of the commissioners court of said county. Compensation  
of commission-  
ers of Talladega  
county.

Approved February 12, 1885.

No. 238.]

AN ACT

[H. B. 257.]

To allow the tax assessor of Coffee county commissions on all special taxes authorized by law to be levied in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act Commissions of tax assessor of Coffee co. that the tax assessor of Coffee county shall be allowed his commissions on all the special taxes authorized by law to be levied in said county.

SEC. 2. *Be it further enacted,* That all laws, and parts of laws, in conflict with the provision of this act, are hereby repealed.

Approved February 12, 1885.

No. 239.]

AN ACT

[H. B. 268.]

To repeal an act to consolidate the offices of clerk of the Circuit Court and county treasurer of the county of Fayette.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act to consolidate the offices of clerk of the Circuit Court and county treasurer of Fayette, approved March the 8th, 1875, be and the same is hereby repealed; *Provided,* that this act shall not take effect until after the expiration of the term of office of the present circuit clerk, who is also treasurer of said county; *Provided further,* that at the next general election for county offices there shall be elected a separate person for clerk, and a separate person for treasurer in said county, as provided by the general law of Alabama.

Approved February 12, 1885.

No. 240.]

AN ACT

[H. B. 310.]

To repeal an act entitled an act to increase the jurisdiction of justice of the peace in Dallas and other counties therein named.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to increase the jurisdiction of justice of the peace in the counties of Dallas, Choctaw, Cherokee, Sumter, Autauga, Perry, St. Clair, Barbour, Jackson, Washington, Greene, Morgan and Marengo, approved Feb. 10th, 1883, be, and the same is hereby repealed, so far as the same relates to the county of Jackson. <sup>Repeal of act as to county of Jackson.</sup>

Approved February 12, 1885.

No. 241.]

AN ACT

[H. B. 340.]

To amend an act entitled an act to better enforce the working of public roads in the counties of Montgomery and Hale, approved February 26th, 1883, so far as relates to the county of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to better enforce the working of public roads in the counties of Montgomery and Hale, approved February 26th, 1883, so far as relates to the county of Montgomery, be amended to read as follows: <sup>Amendment of road law of Montgomery.</sup>

SEC. 2. *Be it further enacted*, That the road year shall begin on the 1st day of January and end on the 31st day of December in each year. <sup>When road year begins.</sup>

SEC. 3. *Be it further enacted*, That the board of revenue at a meeting to be held on the second Saturday in November, 1883, and every second year thereafter, must divide the county into convenient number of road sections, and at said meeting must appoint one superintendent of public roads for each election precinct in the county, and one overseer for each section, who shall not be less than twenty-one, nor more than fifty years of age, and all vacancies shall be filled by said board. <sup>Divided into sections.</sup>

SEC. 4. *Be it further enacted*, That the sheriff must,

Sheriff to deliver orders of appointment.

on or before the 31st day of December, 1883, and every second year thereafter and within ten days in cases of appointment to fill vacancies, deliver a copy of each order of appointment to the superintendents and overseers in person, if practicable; otherwise leave the same at their usual places of residence and return the original with his endorsement of service thereon to the office whence issued, and failing herein, is guilty of a misdemeanor.

Duty of road superintendent

SEC. 5. *Be it further enacted*, That it is the duty of the road superintendents, in addition to the other duties now required by law, at the beginning of each year to make out a new and corrected list of hands in their precincts and apportion them anew to the overseers, any portion of whose road section passes through their precinct, in accordance with, and within the time prescribed by law; said hands being required to work their road section without regard to election precinct lines.

To attend the grand jury.

SEC. 6. *Be it further enacted*, That it is the duty of each superintendent of roads to report in person or writing to the board of revenue, in February and October of each year, the condition of the public roads in their precincts, and make such suggestions for improving the same as they may deem best, and discharge any other duty imposed by law; and failing therein is guilty of a misdemeanor. It is the duty of each superintendent of roads to attend the grand jury of the February and October terms of the City Court and report under oath, administered by the foreman, the condition of the roads in his precinct, and answer all questions concerning the same and as to whether the overseers have worked the hands the number of days and within the time prescribed by law, and failing to so attend and answer or to discharge any other duty imposed by law, is guilty of a misdemeanor, and must be, at once, indicted therefor by the grand jury.

Duty of overseer.

SEC. 7. *Be it further enacted*, That it shall be the duty of the overseer, in addition to other duties now imposed by law:

1st. To call out the hands subject to work on the road sections at such time and such place as he may deem best and shall work them for the full term of seven days in each year, and may be required to work not exceeding three days more as hereinafter set forth; *Provided*, that along those sections where the road-bed itself is of a very

sandy or rocky character for more than half the length of the same, the overseers may not be required to work more than five days of the seven, to be determined by the superintendent. And the overseer may call out the whole number or any part of the road hands and detail them in convenient squads, to work under a leader appointed by him, when and where he may decide, taking care, however, that each hand renders the same number of days' service in the course of the year.

2d. To put two days' work at least of the seven required before the 15th day of April, and the remaining five days' work before the 1st day of September, and the three extra days' work at any time thereafter at the discretion of the superintendent or overseer, and failing herein is guilty of a misdemeanor, and on report of the same to the grand jury it shall at once indict such defaulting overseer. Time for working.

3d. To procure the necessary teams, wagons or plows from those living on or along the road sections for use on the same, and he may exempt two hands for a single plow and team, and three hands for a double plow and team, and four hands for a two-horse wagon and team, each per day, or the overseer may contract for the services of the same, at the rate of one dollar per day for single plow and team; one dollar and fifty cents for double plow and team; and two dollars for a wagon and team. Necessary teams, &c.

4th. To promptly execute any order under the provisions of this act for putting the additional days' work upon the road sections, not exceeding three in any case.

SEC. 8. *Be it further enacted*, That upon presentation of a claim by any person for services of plow or wagon team rendered a road overseer, and the same being certified as correct by the overseer and sworn to by the claimant either before a justice of the peace or the clerk of the board of revenue, it shall be laid before the board of revenue, and, if found just and true, shall be paid out of the general fund. Claim for services of wagon, &c.

SEC. 9. *Be it further enacted*, That no superintendent or overseer of roads shall be drawn upon nor serve upon the grand or petit jury while acting as such. Exempt from jury duty.

SEC. 10. *Be it further enacted*, That the overseer may assign general or special work on the road sections to one or more hands. He may also make agreements Assigning work.

with the occupants of land along the section, to ditch or build causeways along or upon same and compensate them by a reasonable allowance of exemption from road duty.

Bridges.

SEC. 11. *Be it further enacted*, That when bridges are built by contract and the floors of same do not exceed three feet above the level of the ground at their abutments, upon the completion of the same, overseers are required to throw up approaches thereto and, if needed, put a substantial causeway thereon so that the public may cross with ease and safety.

Who to work.

SEC. 12. *Be it further enacted*, That all persons not less than eighteen nor more than fifty years of age are liable to work the public roads, except females and all maimed or disabled persons who shall procure a certificate of disability from some licensed, practising physician.

Not more than three miles from place of residence.

SEC. 13. *Be it further enacted*, That no person is liable to work any public road, any portion of which is more than three miles from his place of residence, nor to work more than seven days in every year, not counting the days engaged in opening new roads or changing old ones, nor the additional days, not exceeding three, which may be required by an order of the superintendent or overseer.

Reasons for additional work.

SEC. 14. *Be it further enacted*, That if the overseer or superintendent shall not put the extra days' work then any farm resident freeholders, living on or near a road section, may make application in writing to the board of revenue setting forth their reasons why such road sections should have additional days' work put on it besides the five or seven days already required by law and designating where; and should such application be granted and an order issued to the overseer to work a number of days, not exceeding three, the overseer shall promptly execute the same and refusing or failing herein is guilty of a misdemeanor.

Excuses.

SEC. 15. *Be it further enacted*, That the overseer may excuse defaulters in showing a good excuse, under oath, to be administered by them within five days after defaulting, and they must return on oath, at the expiration of ten days, a list of defaulters who are not excused to some convenient justice of the peace who shall proceed against said defaulters under section 4253 of this Code.

SEC. 16. *Be it further enacted*, That when any hand makes default, he may come before the overseer within five days unless disabled, and then as soon thereafter as possible, with his excuse as provided in section fifteen of this act, and the overseer may excuse him in so far as not to return him before a magistrate, but no road hand shall for any cause whatsoever escape the duty required of him in working the public roads the number of days prescribed by law, and when in default and not returned, he may discharge the duty imposed on him, by doing any reasonable amount of work assigned him by the overseer, and any hand failing promptly and satisfactorily to do the work assigned shall be forthwith returned as a defaulter by the overseer. Defaulting.

SEC. 17. *Be it further enacted*, That the board of revenue, at their discretion, may fix a compensation for overseers and superintendents of election precincts for faithful service rendered, not to exceed ten dollars per year. Board of revenue, at their discretion, may fix a compensation for overseers for faithful service rendered not to exceed ten dollars per year; the overseer being required to make affidavit that each hand assigned him by the superintendent has worked the full number of days prescribed by law or has been prosecuted for failing to do so. Compensation of overseer and superintendent

SEC. 18. *Be it further enacted*, That it is the duty of justices of the peace to pay over to the board of revenue for the general fund of the county, all the fines collected of road defaulters presented before them by said overseer. Duty of justice of the peace.

SEC. 19. *Be it further enacted*, That any justice of the peace who refuses or fails to issue a warrant for each road defaulter returned before him, and any constable or other person, who regularly acts as a constable, who refuses or fails to promptly execute such warrant, is guilty of a misdemeanor.

SEC. 20. *Be it further enacted*, That the board of revenue may prescribe the names in which the public roads shall be worked and make such rules and regulations governing the same as they may deem best. The superintendents of roads shall receive semi-annually, as a compensation for their services the sum of ten dollars, and two dollars for one day's attendance before the grand jury of the February and October terms of the City Board of revenue may prescribe rules.

Court and a mileage of ten cents a mile one way ; *Provided*, said superintendents shall present their accounts after answering before said grand jury, to the board of revenue with the endorsement of the foreman of said grand jury thereon, that they have discharged their duty as set forth in section six of this act, and said account if correct shall be paid out of any money in the treasury of the county.

**Gates and cuts across public highways.** SEC. 21. *Be it further enacted*, That no gate shall be erected across any public road unless application in writing first be made to the board of revenue, ten days before the application is heard and two notices be posted in a conspicuous place where the gate is to be erected, and any neighbor may contest the application ; nor shall any ditch be cut across the public road unless a like application be made, and if the application be granted, it shall be on condition entered of record, both as to the gate and ditch, that the owner or occupant of the land, present or future, for the benefit of which land the gate or ditch was permitted to be erected or cut, shall build and maintain a safe and substantial gate (and erect two hitching posts, one on each side of the gate), or bridge of usual width across the road or ditch, as the case may be, and to keep the same in good repair so long as the gate or ditch remains, and failing herein the overseer is authorized to remove the gate or fill up the ditch.

**Penalty.** SEC. 22. *Be it further enacted*, That any person who erects a gate or cuts a ditch in violation of this act is guilty of a misdemeanor.

**Railway crossing.** SEC. 23. *Be it further enacted*, That section masters on any railway line who fail to keep the public road crossing over the railroad track and upon either side as far out as the case may require, in such condition, that vehicles, may at all times pass over with ease and safety, are guilty of a misdemeanor.

**General or special sup't.** SEC. 24. *Be it further enacted*, That the board of revenue are empowered and authorized, whenever in their opinion they may deem it necessary, to employ a superintendent of roads for the county, general or special, and in special instances, at their discretion, to contract for labor upon the public roads in addition to that now required by law to be paid out of the general fund.

**Timber.** SEC. 25. *Be it further enacted*, That the overseer shall cut all timber for causeways of uniform length, not

less than ten feet, and must cover same with dirt not less than four inches deep on every part, and failing so to cover said timber is guilty of a misdemeanor.

SEC. 26. *Be it further enacted*, That it shall be the duty of the clerk of the board of revenue to furnish the grand jury with a memorandum of all violation of this act and general road laws which come to the knowledge of the board of revenue, together with a list of witnesses.

Clerk of board  
of revenue.

SEC. 27. *Be it further enacted*, That all laws of a general or special character in harmony with this act are unaffected by its provisions, but all laws of a general or special character in conflict with its purposes are hereby repealed; *Provided*, that the word apportioner, in any general or special road law, shall be construed to mean superintendent of roads, and that superintendents and overseers of roads, at the expiration of their term of service, are liable to road duty.

SEC. 28. *Be it further enacted*, That the board of revenue shall have printed not less than three hundred copies of this act for the use of the overseers, superintendents, grand juries and other citizens of the county.

Copies of act  
to be printed.

Approved February 12, 1885.

No. 242.]

AN ACT

[H. B. 357.]

To prevent camp hunting in Covington county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to hunt game of any kind in said county by camping anywhere within the limits of said county; and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars, at the discretion of the court trying the same, one-half of the fine to be paid to the informer, the balance to be paid into the common school fund of said county.

Camp hunting  
in Covington  
county.

Penalty.

SEC. 2. *Be it further enacted*, That all laws and parts

of laws in conflict with this act, be and the same are hereby repealed.

Approved February 12, 1885.

No. 243.]

AN ACT

[H. B. 362.

To amend an act entitled an act to better enforce the working of the public roads in the counties of Montgomery and Hale, approved February 23, 1883, so far as the same relates to Hale county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2 of said act be amended by inserting in lieu of the words "nor more than fifty years of age," in said section contained, the words "nor more than forty-five years of age."

To amend road law as to Hale county.

SEC. 2. *Be it further enacted,* That section 6 of said act be amended so as to read as follows:

SEC. 6. *Be it further enacted,* That it shall be the duty of the overseer in addition to other duties now imposed by law: 1st. To call out the hands subject to work on the road sections at such time and place as he may deem best, and shall work them, if it should be necessary to put or keep such road in good condition or repair, the full term of ten days in each year, and may be required to work not exceeding five days more as hereinafter set forth; and the overseer may call out the whole number or any part of the road hands and detail them in convenient squads to work under a leader appointed by him, when and where he may decide, taking care however, that each hand renders the same number of days' service in the course of the year. 2d. To procure necessary teams, wagons or plows from persons living on or along said road sections, for the use of the same, and he may exempt one hand for a single plow and team, and two hands for a double plow and team or two horse wagon and team each, per day, or the overseer may contract for the same at such rate of compensation or hire as the court of county commissioners may allow; but in no case shall an overseer be allowed to hire his own teams, wagons or plows for use on the roads. 3d. To promptly execute any order, issued under the provisions of this act for

Duty of overseer.

To procure teams, &c.

Promptly execute orders.

putting additional days work upon the road sections, not exceeding five more than the regular term of ten days in any case.

SEC. 3. *Be it further enacted*, That section 7 of said act be amended by adding at the end of section 7 the words "for such sum as the court of county commissioners of said Hale county may allow."

SEC. 4. *Be it further enacted*, That section 11 of said act be amended by inserting in lieu of the words, "nor more than fifty years of age" in said section contained, the words "nor more than forty-five years of age," by inserting after the word "persons" in 4th line, the words "who by reason thereof are made to perform road duty, and."

SEC. 5. *Be it further enacted*, That section 16 of said act be so amended as to read as follows:

SEC. 16. *Be it further enacted*, That the overseers under this act who shall serve the full term of two years, shall be exempt from all road duty for the term of two years next succeeding the term which they have served as such overseer.

SEC. 6. *Be it further enacted*, That section 17 of said act be amended so as to read:

SEC 17. *Be it further enacted*, That it is the duty of the justices of the peace, and overseers of road sections, diligently and faithfully to collect all fines imposed and commutation fees allowed upon road defaulters, and by the next succeeding term of the court of county commissioners of said Hale county, after the same are collected or received, to account for and pay over to the county treasurer of said Hale county all such fines and commutation fees collected or received by each of them since the last term of said court, and such justice of the peace or overseer failing so to do is guilty of a misdemeanor.

Approved February 12, 1885.

No. 244.]

AN ACT

[H. B. 401.]

To make the fees of bonded constables in Greene county the same as sheriff's fees when they perform the same or like services.

Fees of constables in Greene county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That on and after the passage of this act, the fees of bonded constables in Greene county shall be the same as the sheriff's fees, when performing the same or like services.

SEC. 2. *Be it further enacted,* That all laws or parts of laws that conflict with the provisions of this act be and the same are hereby repealed so far as the same relates to Greene county.

Approved February 12, 1885.

No. 245.]

AN ACT

[H. B. 402.]

To allow the sheriffs of Greene, Sumter, Randolph, Choctaw, Washington, St. Clair, Macon, Perry, Pike, Covington, Clarke, Barbour, Hale and Chambers counties the same compensation for executing process of any kind in the justice court, as is now allowed by law for same services in the circuit court.

Fees of sheriffs in cert'in counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sheriffs of Greene, Sumter, Randolph, Choctaw, Washington, St. Clair, Macon, Perry, Pike, Covington, Clarke, Barbour, Hale and Chambers counties shall be entitled to the same compensation for executing process of any kind in the justice of the peace court as is now allowed by law for the same services in the circuit court.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 12, 1885.

No. 246.]

AN ACT

[H. B. 409.]

To provide for and regulate the pay of State witnesses in Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all fines and forfeitures collected in the Circuit Court of Dallas county, and in the City Court of Selma, and the proceeds of hire of all county convicts of Dallas county, is hereby set apart and appropriated to the payment of witnesses for the State in all criminal prosecutions in said courts. To regulate pay of witnesses Dallas co.

SEC. 2. Witnesses for the State, in all criminal prosecutions in said courts, shall be entitled to seventy-five cents per day, and four cents per mile, for every mile traveled in going to court and returning home, and to all tolls actually paid to ferry or toll bridges. Criminal prosecutions.

SEC. 3. The clerk of the Circuit Court must provide a docket, or book of registry, in which he must enter the names of every witness to whom a certificate is issued, and must also enter therein the date and number of every certificate, and, if known, the name of every defendant against whom said witness was called. During the terms of the City Court of Selma said book shall be kept by the clerk of said court, who shall, whenever he issues a witness certificate, make like entries therein as are hereinbefore required of the clerk of the Circuit Court. During the sittings of grand juries in said courts, the foreman of the grand jury shall keep said book and make therein the entries required of the clerk of court when he issues a certificate to a State witness. The foreman of every grand jury empannelled in said courts shall have the right, and they are required to issue to every witness summoned or recognized to appear before said grand jury, a certificate showing the mileage, toll and per diem due every such witness; *Provided*, that the foreman shall not, in cases where the solicitor is of the opinion that it is not proper to enter the name of the defendant or person against whom said witness was called upon said book, make any entry that would disclose that fact. Clerk of circuit court must provide docket.

SEC. 4. Every certificate issued in accordance with the provisions of this act must be paid on presentation to the treasurer or custodian of the county funds, without any other or further endorsement, order, or auditing, and the Payment.

treasurer or person who pays said certificate shall cancel the same, and upon the adjournment of the court the clerk shall deposit said book with said treasurer or custodian, who shall keep the same till the next court, and must enter therein, opposite each registry of a certificate, the day it was paid.

Witnesses attending in more than one cause on same day.

SEC. 5. Any witness attending on the same day as a witness for the State in more than one cause or proceeding, shall only be entitled to compensation in one case; and whenever a witness has attended as a witness in the State on the same day in more than one case, the court may direct in which case a certificate may issue, or may apportion the whole amount due said witness, as may appear right, to the several cases in which said witness has attended.

Fees taxed against defendant.

SEC. 6. The amounts of all State's witnesses certificates issued in any case, must, on conviction of the defendant, be taxed against the defendant and collected of him as other costs, as is now provided by law, and shall be paid into the county treasury to the credit of the fine and forfeiture fund.

Approved February 12, 1885.

No. 247.]

AN ACT

[H. B. 444.

To authorize the trustees of public schools of township 4 in range 9 west, in Lawrence county, Alabama, to sell the 16th section of said township and range, and to collect all moneys and assets belonging to said township for school purposes.

Authority of trustees to sell 16th section in Lawrence co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the trustees of the public schools of township 4 in range 9 west, in Lawrence county, Alabama, are authorized and empowered to sell the 16th section of township 4, range 9 west, in Lawrence county, for the purpose and as prescribed by the laws now of force in this State.

SEC. 2. *Be it further enacted,* That the county superintendent of public schools of said county of Lawrence is authorized and empowered to collect either by suit or otherwise, all moneys, assets and property from any and

all persons having such moneys or other property in their hands or possession, or moneys due to said township, and such sums of money so received by him as such officer be appropriated and paid over for the use of public schools of said township 4, range 9 west, in Lawrence county, as required by law.

SEC. 3. *Be it further enacted*, That all acts heretofore passed in reference to said 16th section, township and range are hereby repealed.

Approved February 12, 1885.

No. 248.]

AN ACT

[H. B. 452.

To establish a new charter for the town of Guntersville, Marshall county, and to confer certain powers on the mayor.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Guntersville, in the county of Marshall, shall be and continue a body politic by the name of the "Town of Guntersville," and by that corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted; may purchase and hold real, personal and mixed property and dispose of the same for the benefit of said town, and may have and use a town seal which may be changed or altered at pleasure.

New chart'r for town of Guntersville.

SEC. 2. *Be it further enacted*, That the corporate limits of the town of Guntersville shall embrace an area of land one half mile wide from northwest to southeast and three-fourths of a mile long from northeast to southwest, whose centre shall be the court house on the public square, in said town, and whose boundary lines shall run parallel with a corresponding boundary line of the present public square of said town.

Corporate limits.

SEC. 3. *Be it further enacted*, That the government of said corporation shall consist of, and its corporate powers shall be exercised by, a mayor and five councilmen who shall be elected on the first Monday in January and annually thereafter on the first Monday in January by ballot, by the male inhabitants of said town of or over the age of twenty-one years who are entitled to register

Election of mayor and 5 councilmen.

Notice of election.

Challenge.

Result.

Oath of office

In case election is not held.

under the laws of this State, and who have resided in the corporate limits for three months next preceding the election. Said election shall be held by and under the direction of the sheriff of Marshall county at the court house in said town of Guntersville; said sheriff shall give ten days' notice of said election by posting written or printed notices thereof at the court house and three other places in said town, and shall appoint three inspectors and one returning officer; and he shall conduct said election in the same manner as an election for members of the General Assembly. If any person be challenged while voting the inspectors shall cause him, the voter, to make an affidavit against the fact or facts for which he is challenged, and then he shall be allowed to vote, but if he swears falsely to any matter of fact then he shall be punished, upon conviction, for perjury. The inspectors shall certify to the result of such polls, and the returning officer shall make return to the sheriff, who shall declare the election, giving the casting vote, if any two or more shall receive an equal number of votes, and shall give the persons elected certificates of election. The persons elected shall, before entering upon the discharge of the duties of their respective offices, take before the judge of probate, or the clerk of the Circuit Court of said county, an oath to discharge without favor or partiality the duties of mayor or councilman (as the case may be) of the town of Guntersville, of which oath a record shall be kept in the office of the Probate Court of said county. The said mayor and council shall continue in office for twelve months from the date of their election and until their successors are qualified. If from any cause said election should not be held in every year on said first Monday in January, the said sheriff shall, as soon as practicable, appoint another day for holding such election, not more than thirty days after such regular day, of which he shall give like notice, and on the day appointed shall open and hold such election in the manner above provided; and if from neglect or failure of the sheriff or from any other cause an election for mayor and councilmen shall not be held on the regular day, or within thirty days thereafter, as above provided, then the mayor of the town shall appoint a day for holding such election, not more than sixty days after such regular day, of which he shall give the same notice, and on the day

so appointed shall hold such election in the same manner as above provided ; and for the purpose of holding and completing such election, the mayor shall be vested with all the powers, and be subject to all the duties of the sheriff as above set forth.

SEC. 4. *Be it further enacted*, That no person shall hold the office of mayor or councilman of said town who has not resided therein one year next preceding the election. Qualifications  
of mayor and  
councilmen.

SEC. 5. *Be it further enacted*, That the ballots cast at any election held under this act, shall, after being counted, be carefully sealed up by the inspectors, and deposited by them with the Probate Court of said county, who shall preserve the same for twenty days after the result of said election is declared, and then, if there be no contest, the said probate judge shall cause the same to be burned in the presence of himself and the mayor, but in the event of a contest, they shall be delivered to the judge trying the same. That no ballot shall be thrown out by the inspectors on account of the length, breadth, color or condition of said ballot, if the inspectors can ascertain from said ballot for whom the elector intended to vote. Ballots.

SEC. 6. *Be it further enacted*, That any election held under this act may be contested as is, or may be provided by the laws of the State for contesting the election of probate judge ; and all the provisions of such laws in relation to contesting the election of a probate judge shall, so far as the same are or may be applicable, apply to contests of any election held under this act. Contest.

SEC. 7. *Be it further enacted*, That if the mayor or any councilman, during his term of office, and after qualifying, shall die, resign, remove from the corporation, refuse to act or be permanently disabled from acting, the remaining members of the board shall, by ballot, elect in his stead another mayor or councilman, who shall have the qualifications prescribed in the fourth section of this act ; or if any person elected mayor or councilman by the qualified voters of said town, at any election held under this act shall refuse to qualify, the remaining members of the board shall, by ballot, elect in his stead, if mayor, one of their own body ; if councilman, some person having the qualifications prescribed by the fourth section of this act, who shall continue in office during the remain- Vacancy.

der of the term and until their successors are elected and qualified.

SEC. 8. *Be it further enacted*, That the councilmen shall be judges of the qualifications of the mayor, and the mayor and remaining councilmen shall be judges of the qualifications of a councilman.

Meetings.

SEC. 9. *Be it further enacted*, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business. That the mayor and councilmen shall meet on the next succeeding Saturday evening after their election and qualification at such place and hour as the mayor shall designate, and elect such officers as hereinafter provided, and shall fix their own sessions; special meetings of the board may be called by the mayor at his own option or by any two of the councilmen. In case of the sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor during such sickness or absence, and such mayor *pro tempore* shall exercise all the powers and perform all the duties of the mayor; but the mayor shall not vacate his office by any temporary absence from the town or State.

Powers and jurisdiction of the mayor.

SEC. 10. *Be it further enacted*, That the mayor shall possess all the powers and jurisdiction of a justice of the peace in said county, in civil cases when the amount in controversy does not exceed one hundred dollars, this to include actions in damages, and for the recovery of specific property, and shall be controlled by all the rules, laws, and regulations that govern the justices of the peace in said county, and be subject to all the corresponding duties and responsibilities and shall give bond and file the same with the probate judge of said county as now required by a justice of the peace of said county, and for services as such he shall be allowed to charge the following fees, to-wit: For each summons or summons and complaint, \$1.25; for each judgment by default, .75; for docketing each cause, .20; subpoena, each witness, .25; for each trial when litigated (on summons and complaint), \$1.50; for execution and taxing costs, if less than fifty dollars, .75; for execution and taxing costs if more than fifty dollars, \$1.00; for attachment bonds and affidavit, \$2.00; for writ of attachment, .75; for summoning and taking answer of garnishee, if less than \$50, .75; for summoning and taking answer of garnishee, if more than \$50,

Fees.

\$1.25 ; for affidavit and bond for garuishment of judgment, \$2.00 ; for bond and affidavit in detinue on trial of right of property, \$2.00 ; for order of seizure in detinue, .75 ; for each appeal and *certiorari* including bond and transcript, \$2.00 ; for every other bond not otherwise provided for, .75 ; for each certificate not provided, .25 ; for each continuance, .25 ; for judgment on forthcoming, stay, replevy, or other bonds, \$1.50 ; for each judgment on summary proceedings, \$1.00 ; for transcript of proceedings other than appeal or *certiorari*, \$1.00 ; for issuing *venire facias*, \$1.25 ; for attending the trial of the right of property or jury trial, \$1.50 ; for certifying and taking acknowledgment of deeds, each certificate, .50 ; for each *scire facias* or notice in nature thereof, \$1.00 ; in cases of forcible entry and detainer or unlawful detainer for every summons or notice in the nature thereof, \$1.00 ; for each oath or affirmation, .25 ; for entering judgment, .50 ; for each trial, \$2.00 ; for return on appeal or *certiorari*, \$1.50 ; and for the performance of any other duty may receive such fees as are now allowed or may be hereafter allowed by law for such duties or services, and his signatures or acts in civil cases shall be of equal force as if done by him expressly as a justice of the peace, and any person desiring it may take an appeal or *certiorari* to the Circuit Court of the county of Marshall under such rules and regulations as are or may be prescribed by law for an appeal or *certiorari* from the judgment of a justice of the peace. He shall hold his courts under the same rules, laws and regulations as are now or may hereafter be prescribed by law for the justices of the peace in the county of Marshall. That section 3606 of the code is repealed so far as it applies to jurisdiction under this section of this act. Hold courts.

SEC. 11. *Be it further enacted*, That the mayor shall have and possess all the powers and jurisdiction, of the county of Marshall original and concurrent with the County and Circuit Courts of said county for the trial of such criminal cases as come within the jurisdiction of the justices of the peace in said county of Marshall, and procedure in such cases shall be the same as in criminal cases in the County Court, with power in said mayor as justice of the peace to sentence defendants to hard labor for the county for costs, the same as exercised by the County or Circuit Courts of said county, and he shall be entitled to Criminal cases.

the fees which are or may be allowed by law to the judge of the County court, and his signature or acts in such cases shall be of equal force as if done by him expressly as a justice of the peace, and defendants have the same right of appeal as they now have or may hereafter have from justice of the peace or County Court.

Power and authority.

SEC. 12. *Be it further enacted*, That the mayor shall have and possess exclusive and original jurisdiction to hear, adjudge and determine suits, prosecutions, or other proceedings for violations of the charter, ordinances or by-laws of the corporation. He shall have jurisdiction of all proceedings by motion, *scire facias*, or other suits on any penal bond payable to the town of Guntersville, or the ordinances of said corporation including proceedings and suits against the officers of the corporation and the sureties on their official bonds, for non-payment of taxes or other moneys collected or received, or for other delinquences in office, and upon judgment of the mayor in any case in either branch of his jurisdiction, as justice of the peace or mayor, execution or other appropriate process must be issued and signed by him, and if in his jurisdiction as mayor shall be directed to the marshal of the town of Guntersville; but if issued by as a justice of the peace of the county, his execution or other appropriate process shall be directed to any lawful officer of the county, and his execution or other appropriate process shall be a lien upon all the property of the defendant in the county of Marshall as if the same were issued from the Circuit Court. Executions shall be made returnable first Mondays in February, May, September and December, after their issuance and shall be controlled by the same rules and laws as are prescribed for executions from the Circuit Court of said county. From any judgment or decision of the mayor, as such, the party desiring may appeal to the Circuit Court of Marshall county on giving bond with two sufficient sureties, to be approved by the mayor in twice the amount of the judgment or fine and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the said Circuit Court may render in the premises; but unless such appeal bond be given within five days from the date of said judgment or decision, then no appeal shall be allowed; that the proceedings in such appeals shall be such as can or may be prescribed by law in cases of appeals from justices of the

Appeals.

peace; that the mayor shall receive such fees as may be prescribed by the board of councilmen.

SEC. 13. *Be it further enacted*, That it shall be the duty of the mayor to see that the laws of the corporation are duly executed. He shall hold a court as often as may be necessary for the trial of offenders against its laws and ordinances. For other causes coming within his jurisdiction as justice of the peace, shall be tried on the first Monday in each month and continue his court from day to day until his business is disposed of; he shall report to the board from time to time in writing such alterations in the laws of the corporation, or measures for its good government or interest, as he may deem necessary and proper; he may, in case of disturbance of the peace, whenever in his opinion the peace and security of the town require it, call on the sheriff of the county to aid in preserving the peace by the use of all means which the laws confer on said sheriff as a peace officer; he shall preside at all meetings of the board, when present; he shall perform such other duties as the board may prescribe, and have authority while holding his courts either as mayor, or in his jurisdiction as justice of the peace, to punish any contempt of his court by fine and imprisonment, or either, but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars.

Mayor to see that the laws of the corporation are enforced.

SEC. 14. *Be it further enacted*, That the mayor and council shall have power to elect a town marshal, clerk of the board, treasurer, assessor and collector of the taxes, and such other officers and agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the good government of the town; to prescribe their duties, liabilities and powers; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all such agents or officers, a majority of the board concurring in such removal, and to fix and regulate from time to time the compensation of the officers or agents of the corporation; *Provided*, that councilmen shall receive no compensation for services, but may be exempt from working on the streets of the town. The officers of the corporation shall continue in office, unless removed, until the next annual election for mayor and councilmen, and until their successors are qualified, but

Marshal, clerk, treasurer, &c.

the board at any time may alter, repeal or amend the ordinances creating and employing said officers or agents, or regulating their duties or compensation, and may fill all vacancies that occur in said offices. The clerk, assessor, collector, treasurer, and marshal, and all such other officers as the board may require to give bond, shall, before entering upon the discharge of their duties, give bond, with sufficient security, to be approved by the mayor, with conditions to discharge faithfully all the duties of their respective offices, and filed in the office of the mayor, on which bond suit and recovery may be had before the mayor, or any other court having jurisdiction, in the name of the town of Guntersville, for the use of the corporation or the person injured, and said bond shall remain for the breaches of its condition, and the mayor and councilmen may provide summary remedies, by motion or otherwise before the mayor, against the officers of the corporation and their sureties for any official default or neglect of duty.

Clerk to keep  
record of pro-  
ceedings.

Perform such  
duties as board  
may direct.

Treasurer.

SEC. 15. *Be it further enacted*, That the town clerk shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record, and a copy therefrom, certified by the clerk, shall be *prima facie* evidence in any court of record or elsewhere; and said record shall at all times be open to inspection, and the clerk of the board shall be required to keep a book account with the officers of the corporation and charge against said officers moneys that may be shown to be in their hands, and to receive from the officers of the corporation the moneys due the corporation, giving his receipt therefor, and charge the same to himself on his books, pay the money over to the treasurer and take his receipt for the same, and give himself credit by the receipts and keep them as vouchers, number consecutively 1, 2, &c.; and said clerk shall perform such other duties as the board may direct.

SEC. 16. *Be it further enacted*, That the treasurer of said town shall keep a book of account of all the money coming into his hands from any source, for the corporation, in a book kept for that purpose; he shall receive all moneys from the hands of the clerk and give his receipt to him for the same, and shall charge the same on his

books, and pay the same out upon the warrant of the mayor, countersigned by the clerk, and he shall report the condition of the treasury to the board at the first meeting in each month, and his book of accounts shall be open to the inspection of the citizens of the corporation at any time, and he shall perform such other duties as may be prescribed by the board.

SEC. 17. *Be it further enacted*, That the marshal of said town shall have and possess, within the county, all the powers and rights of constable under the laws of the State, and shall be entitled to the same fees for like services. He shall possess within the corporate limits, in preserving peace and making arrests, all the powers of the sheriff as a peace officer. He shall execute the orders, notices and processes of the board to him directed, and all warrants, precepts, executions and all processes from the mayor's court, and perform such other duties as the board may prescribe, and be subject to all the liabilities and remedies which they may provide. That the constable of Guntersville beat can do and perform all the duties of marshal in said corporation, and upon the absence of the marshal, or when the office is vacant for any cause, it shall be the duty of said constable to do and perform all the duties of marshal of said town until said marshal returns or another is qualified, and he shall receive for his services the same fees and salary that is received by the marshal. The board may allow the marshal such salary or compensation, in addition to the specific fees to which he may be entitled, as they deem proper; and in all cases where the marshal is a party to a suit or proceeding before the mayor, they shall appoint some person to act as special marshal, if the constable of Guntersville beat is absent or not acting.

SEC. 18. *Be it further enacted*. That the board of said town shall have full and complete powers:

1. To make and adopt by-laws and ordinances in whatever manner and on whatever subject to carry out the powers herein granted and for the good government and order of said town, as they may think proper and necessary, and in addition to the powers herein specifically enumerated which are no limitations to the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws, not inconsistent with the laws of the State, as shall be needful for the govern-

Marshal.

His compensation.

Board to make by-laws and ordinances.

- ment, police interest, welfare, and general order of said town and affix thereto such penalties for the violation of the same by fine not exceeding fifty dollars and by imprisonment or hard labor for the town not exceeding thirty days, and all persons convicted of any breach of by-laws or ordinances of said town, failing to pay or secure said fine may be imprisoned for such failure or placed at hard labor for the town until such fine and costs are paid in such manner as the board may direct, not longer than thirty days; *Provided*, that any person shall have the right to give a stay bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from the judgment imposing the same, but if after such bond and security, such fine and costs be not paid in thirty days execution to collect the same may be issued against the obligators in said bond. The board may pass all needful laws to compel persons to work on the streets, or elsewhere, who refuse to work when under mayor's sentence for violating any town ordinance.
- Proviso.**
2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town, and to preserve the health thereof, to establish and regulate quarantine in said town and within three miles thereof, and to punish any breach of quarantine law.
- Contagious diseases.**
3. To prevent and remove all nuisances at expense of person causing the same or on whose premises the same may be found, to remove all decayed and delapidated houses and structures calculated to produce disease, or which are dangerous or unfit for habitation, at the expense of the owners of the same, when they fail or refuse upon reasonable notice to remove or repair and renovate such houses and structures.
- Nuisances.**
4. To establish, set up and regulate hospitals, poor houses, work houses and houses of correction.
- Hospitals.**
5. To license, tax, regulate or restrain theatrical performances, shows, circuses, menageries or other amusements, selling, retailing or giving away vinous, spirituous, malt or intoxicating liquors, bitters or beverages.
- Licenses.**
6. To restrain or prohibit gambling, gaming houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting and any thing else hurt-
- To restrain or prohibit gambling, etc.**

ful to the good order and morals of society, and all misdemeanors, and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Guntersville, or made or kept or found there, to be used for the purpose of gaming.

7. To appoint and regulate night and day watchmen, police patrol, and captains thereof. Watchmen & police.

8. To establish, regulate and control markets and market houses, and to pass laws for the sale of meat, vegetables and other like articles within certain places, and within certain hours. Markets.

9. To sink, repair and regulate public wells and cisterns, to establish and regulate fire plugs, and public hydrants, and when necessary make all needful provisions to supply the town with water, gas, gas light or oil lights and to control street lamps.

10. To open, locate, establish, repair and regulate streets and alleys, and to change, alter or abolish and vacate them or any part or parts thereof, to establish avenues, pavements, sidewalks, and curb and grade them, and regulate the same and to make all salutary by-laws with respect to the use of the streets. Streets.

11. To establish and build drains and sewers, aqueducts and reservoirs, and to regulate the same and to compel owners of lots or real property to drain the same, and ditch it at the expense of the owner, and to drain and ditch the same when the owner thereof refuses or fails after five days notice to drain and ditch it, and to tax the expense of said draining and ditching against the property ditched and drained, which said tax shall have the lien of and be enforced and collected like other taxes. Drains and sewers may be extended beyond the town limits when necessary. Drains and sewers.

12. To establish and regulate or change fire limits within said town and to pass all laws necessary for protection of said town against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor; to require all owners of theatres, opera houses and all other houses where the public assemble in mass, to provide said houses with fire escapes and suitable exits and have the doors of the same hung so that they will open without. Fire limits.

- Stock running at large.** 13. To prevent when necessary the running at large upon the streets of all cows, dogs, hogs, or other animals, and to pass all laws in the judgment of the board necessary for the sale and impounding of said animals upon a proper notice to the owners thereof.
- Cars or locomotives.** 14. To regulate and control running of cars or locomotives on or across streets, avenues or alleys of said town, and to control the speed of said cars and locomotives in said town.
- Warrant.** 15. To pass all necessary and proper laws for the arrest with or without warrant of all offenders against the town ordinances or State laws, and to confine such persons until tried, convicted or discharged by law.
- Street vendors, license.** 16. To pass laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawn brokers.
- Paupers and vagrants.** 17. To make and ordain all necessary laws concerning idlers, paupers, prostitutes, gamblers, disorderly or vicious persons in correcting or restraining their vicious habits, and to compel such persons to give bond and security to be approved by the mayor for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the town for a limited time not exceeding thirty days.
- Punish persons obstructing the marshal in discharge of duty.** 18. To punish all persons who obstruct the marshal or other officers in the arrest of any person in said town or in the lawful discharge of any duty in said town, and to punish any and all persons who, when called upon to aid in arresting any person, shall fail to give such aid.
- Inspectors.** 19. Said board may establish necessary inspections, fix and regulate the assize of bread and provide for the weighing and measuring all kinds of produce for man and beast, and regulate the same.
- Buildings.** 20. To regulate and control the manner of building partition walls and fences, to regulate the keeping and storage of gunpowder or other dangerous materials, guano or other commercial fertilizer within said town, to regulate and control the sweeping of chimneys, the use of lights, stove-pipes and flues in all shops, stores, kitchens and other places, to cause the removal or pulling down houses, to prevent the spreading of fire and to extinguish the same.
21. To have and to exercise full police powers in said

town, to prevent crime and arrest offenders, to protect the rights of persons and property, to preserve the public peace, and for this purpose may command the aid and assistance of the sheriff of Marshall county, whenever the mayor or the board may deem the same necessary, to prohibit and punish violations of the Sabbath. Police powers.

SEC. 19. *Be it further enacted*, That said board of Levy taxes. the town of Guntersville shall have authority to levy taxes in the months of February and March in each year, on the real and personal property within said town, except such as is or may be exempt from taxation under the laws of this State or of the United States, a tax not exceeding one-half of one per centum of the value of such property or subjects of taxation as assessed for State taxation during the year preceding that for which said board may assess, lay the tax above provided for, and there shall be no exemptions from such taxation.

SEC. 20. *Be it further enacted*, That the board shall, Assessment. as soon as practicable, after the tax is levied each year, cause the tax assessor to assess each person's property, real, personal and mixed in said corporation upon a book for that purpose, each tax payer can list his property upon a sheet furnished for that purpose and swear to the amount and valuation of said property listed before the assessor. This shall be entered upon said book so as to give a description of the real property and the owner thereof and the amount of his personal property, so as to show the true owner, and so as to show against whom the tax on each assessment is laid. As soon as the book provided for in this section is made out by the assessor, and submitted to the board, and corrected by said board, if it needs such correction, it shall be filed with the clerk of the board where it shall remain (open for public inspection) for twenty days and notice of that fact shall be Notice. immediately given either by posting written notices or by giving ten days' notice in newspaper, and any person who has been wrongly assessed in said book, against the wrong person or the wrong property or from any other errors in said assessment, any person in interest may file his or her affidavit with the clerk, setting out the wrong or error complained of, and upon the first regular meeting of the board after the expiration of the twenty days named in this section, the board shall hear and determine

all objections, wrongs or errors in said assessment and correct said book accordingly, and their decision on such objections and as to all corrections to be made shall be final. Any person who swears falsely either in listing the property or corrections shall be punished for the crime of perjury.

Taxes levied to have force and effect of judgments. SEC. 21. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith or the person afterwards in possession of said property until the tax thereon is paid, and for said taxes the town of Guntersville shall have a preferred lien over all encumbrances and securities whatsoever, except county and State taxes; and all taxes assessed against the property of any person or persons under this act or for which said person may become liable for the current year shall be a lien upon the real and personal property and estate of such person within the town of Guntersville from the 1st day of January of that year, or if brought into the town after that time the lien shall attach from the time it is brought in.

Mayor's certificate and authority to collect. SEC. 22. *Be it further enacted*, That after the taxes shall be so fixed and levied by sections 19 and 20 of this act, the mayor of said town shall certify the same at the end of said tax book and append thereto his warrant directed to the person authorized to collect taxes for said town of Guntersville, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to said person so empowered to collect taxes of the town of Guntersville, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days either by written notice in four different public places in said town or by publication in some newspaper in said town that he is ready to receive payment of the taxes so levied. That after the expiration of thirty days from the first publication of such notice, the tax collector or his deputy shall make personal demand upon delinquent tax payers wherever they may be found, for the amount of their taxes and costs; whenever unable to find them shall leave a written or printed notice at the place of the residence or the place where such tax payers board, requiring them to come forward and pay such taxes and costs immediately. For giving such notice the tax collector

shall be allowed 25 cents where the tax is two dollars and under that amount, and shall be allowed fifty cents where it is over the sum of two dollars; and it shall be the duty of such delinquent tax payers forthwith to make payment of their taxes and fees to the collector.

Collector's fee for delivery of notice.

SEC. 23. *Be it further enacted*, That the collector of said tax shall be charged with, and account for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability that the amount unpaid could not have been collected by the exercise of the means given him, and he shall pay all amounts collected by him into the hands of the clerk and take the clerk's receipt and enter said receipt on his tax book. That the tax collector shall take only such warrants against the corporation as have been issued under the authority of the board, and signed by the mayor and countersigned by the clerk of the board. That the board shall say what per centum of the tax may be paid in such warrants.

Collector's duties.

SEC. 24. *Be it further enacted*, That all taxes levied under this act which are not paid by the first day of October of each year, the tax collector may levy upon and seize any personal property, if any there be, and if there be none or not sufficient personal property, then upon the real estate of such delinquent tax payers; *Provided*, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of any such delinquent tax payer, and the costs of such sale; and no personal property so sold for taxes shall be subject to redemption, but when real estate is levied on notice of the sale shall be given twenty days either by posting written notices at three different public places in said town, or by publication in some newspaper published in said town before the day of sale. The land may be described by such numbers or abbreviations as will clearly indicate the property to be sold. Sale shall be at the court house of Marshall county, commencing on the day specified in said notice and continue from day to day until disposed of.

If taxes not p'd by Oct. 1, collector may levy

SEC. 25. *Be it further enacted*, That at all sales by the tax collector of property for taxes, he shall attend and bid off for the town of Guntersville, as purchaser, all the lots and lands upon which the tax collector cannot get a bid from other persons for taxes, costs and expenses of sale, and the town of Guntersville shall have a certifi-

Sales of property by collector.

cate of purchase, and be vested with all the title to the property so bought in, subject to redemption hereinafter provided. When any real estate shall be sold by the tax collector for the non-payment of taxes, he shall give the purchaser at such sale a certificate of purchase, in substance the same as given by the State and county for taxes sold by the tax collector for the county of Marshall. Any real property sold under this act may be redeemed by the owner, or any person interested therein, within two years after said sale, by paying to the clerk of the board the amount of the purchase-money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of ten per centum per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the clerk to keep in his office, in a book provided for that purpose and indexed, a record of all certificates of purchase issued by the tax collector, and when real estate shall be redeemed as herein provided, it shall be said clerk's duty to note such redemption on such record, and when the purchaser or assignee shall demand the money paid on such redemption, he shall pay the same to him upon the surrender of the certificate of purchase, and upon his failure to do so upon the authority of the board, then said clerk shall be responsible to the person entitled to such redemption money. Said clerk, when the matter has come into his hands, or the tax collector before he has paid the money arising from sales into the hands of the clerk, shall give to the person redeeming any real property a certificate of redemption, signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, the amount paid and by whom redeemed, and such certificate shall be *prima facie* evidence of the facts therein contained. Said clerk or tax collector must make a report of sales and redemption to the board once every three months, or oftener if they so require. After the expiration of two years from the date of sale the tax collector, then in office, shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of real property sold and unredeemed and deliver the same to purchaser or his assignee upon return of certificate of purchase, payment of all subsequent taxes on the property, and one dollar for the deed, but any number of parcels of real property for

Clerk to keep  
record of sales.

Certificate of  
redemption.

which one person may hold purchase certificates may be included in one deed as may be described by purchaser; such deed shall be signed by the tax collector in his official capacity and acknowledged by him before some officer authorized to take acknowledgments, and when thus executed and recorded shall vest in grantee all rights, title and estate of former owner, free from all incumbrances made or suffered by them (except State and county taxes). Such deed shall be *prima facie* evidence in all courts in this State in all controversies and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in such deed, of regularity of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns.

Sec. 26. *Be it further enacted*, That should said corporate authorities require other means for collecting the taxes authorized, they may, by ordinance, adopt or substitute any or all the provisions in chapter 2, part 1, title 7 of the Code, or any other law that may hereafter be passed by the legislature for the collection of State and county taxes, and shall have the same right to sell property, both real and personal, sold for taxes by the State and county. And the board shall have full power to collect all taxes levied under any of the provisions of this act, and all fines, by execution, levy and sale, and from such execution no property shall be exempt; *Provided*, that this mode of collection shall not prevent collection of such in any other manner herein provided.

Power to collect taxes under provisions of the Code.

Sec. 27. *Be it further enacted*, That the board of the town of Guntersville, beside the taxes hereinbefore authorized, have authority to assess and collect from all persons or corporations trading or carrying on any business, trade or profession, by agent or otherwise, in Guntersville, a license tax, which shall be fixed and declared each year by ordinance, and the license so laid shall be issued, and the amount imposed shall be collected as may be provided by ordinance of said corporation. That § 499 of the Code, so far as it is in conflict with this section of this act, is repealed, so far as the town of Guntersville is concerned; *Provided*, that not more than one license tax under this act shall be assessed against or collected from partners, trading or business done under a firm name; *Provided further*, that no license shall be

License tax.

Fines and penalties.

exacted from any mechanic who employs no capital, but conducts his trade solely by his own skill and attention, without the aid of employers. Said board may also by ordinance impose such fine and penalties within the limitations named in this act, as they may deem advisable for the doing of any business or the carrying on any trade or the practicing of any profession, by any party who shall fail to take out such license as may be imposed by said corporate authorities under this act.

Working the streets.

SEC. 28. *Be it further enacted*, That said board may require all the male inhabitants of said town, who have resided therein ten days and who are between the ages of 18 and 50 years, to work upon the streets of said town for ten days in each year under such officer as the board may appoint. That any person so required to work may relieve himself from so working by paying to the clerk of the board the sum of five dollars by the first day of March of each year, and shall exhibit such receipt to the officer warning them to work the streets. Said board may by ordinance impose such fines and penalties within the limitations named in this act as they may deem sufficient and admissible to the enforcement of this section of this act. Money collected under this section or the collection of fines for violating this section shall be appropriated to no other purpose than the streets, and the clerk and treasurer are required to keep a separate account called the street money.

Officers not to make contracts for work or material.

SEC. 29. *Be it further enacted*, That it shall be unlawful for any officer of said town directly or indirectly to make or enter into with the authorities of said town any contract for work or services or for material and supplies and any such contract shall be void, nor shall any officer or person charged with the collection of taxes, licenses or dues for said town, deal or traffic in any manner in any claim, warrant or liability against said town, unless it be to dispose of warrants that may be issued directly to any such person, and any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than one hundred dollars; said fine to be paid into the treasury of the town and the person may be prosecuted before any court having jurisdiction.

SEC. 30. *Be it further enacted*, That the mayor shall make a report of the condition of the finances of the

town four times each year, on the 1st days of April, July, October and January so as to show the condition of the treasury, the amount of moneys collected and paid during the quarter for which the report is made, and said report shall be published in a newspaper in said town, provided said newspaper charges nothing for said publication; said report shall be filed in the office of the clerk and be subject to public inspection.

Condition of finances to be reported quarterly.

SEC. 31. *Be it further enacted*, That the present character of Guntersville and all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; *Provided*, that no prosecution, suit or claim whatever, pending or to be brought under existing laws shall in any manner be affected, impaired or altered by the passage of this act, and all existing laws and ordinances of the town of Guntersville, adopted in pursuance of law shall be and remain in force until repealed or modified by the mayor and council of Guntersville, and all the powers granted by this act shall and must be liberally construed in favor of the powers of the town authorities to pass such laws.

Repeal of laws in conflict.

Proviso.

Approved February 12, 1885.

No. 249.]

AN ACT

[H. B. 468.

To authorize and empower the intendant and councilmen of the town of Springville, St. Clair county, to regulate and license livery stables, drays and other vehicles kept for hire in the corporate limits of said town.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the intendant and councilmen of the town of Springville, in the county of St. Clair, be and they are hereby authorized and empowered to regulate and license livery stables, drays, hacks, wagons, omnibuses, carriages, buggies and other vehicles kept for hire in the corporate limits of said town; to fix and assess by way of license such tax on such livery stables, drays, hacks, wagons, omnibuses, carriages, buggies and other vehicles kept for hire in the corporate limits of said town, and to said intendant and councilmen may seem right and proper; and to fix such fine as they may deem prop-

Authority of councilmen of Springfield.

er for a violation of the ordinances of said town in regard thereto not inconsistent with the constitution and laws of this State.

Approved February 12, 1885.

No. 250.]

AN ACT

[H. B. 481.

To punish any person injuring the property of the Bay Shell Road Company.

SEC. 1. *Be it enacted*, That any person who cuts, tears down, sets fire to or burns, or otherwise injures or destroys any portion of the breakwaters, abutments, wings or other structures built for the protection of the bay shell road, or who cuts down, injures or destroys any shade or ornamental trees or shrubbery along the line of and belonging to said road, or digs up or removes any dirt or shells upon said road, or otherwise obstructs or injures said road, must on conviction be fined not more than five hundred dollars and imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Penalty for in-jury to shell road.

Approved February 12, 1885.

No. 251.]

AN ACT

[H. B. 482.

For the protection of life and property upon the Bay Shell Road.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to hunt any ducks, birds or game, or to shoot or discharge any gun, pistol or other fire arm within one hundred yards of any point upon the bay shell road, or to drive recklessly and furiously along said bay shell road; or to be guilty of any loud, boisterous and rude conduct upon said road, or to drive any goat wagon or other similar vehicle, or to roll any hand cart or hand wagon or wheel barrow, over any part of said road; and any person violating any

To protect life and property on Bay shell road.

of the provisions of this section of this act must upon conviction thereof be punished by a fine of not more than five hundred dollars and by imprisonment for not more than six months.

SEC. 2. *Be it further enacted*, That it shall be unlawful for any person to allow any loose animal belonging to them to run at large upon said bay shell road, and any animal found running at large upon said road, may be, by any officer or employee of said bay shell road company taken up and estrayed in the manner as is provided in article 1, chapter 7, title 13, part 1, of the Code of Alabama. To prevent animals running at large.

Approved February 12, 1885.

No. 252.]

AN ACT

[H. B. 483.]

To regulate the use of the Bay Shell Road Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any cart, wagon or other vehicle constructed or used for the purpose of hauling heavy burdens, or for any other vehicle constructed or used for any purpose other than to transport persons to pass over any portion of the road of the Bay Shell Road Company without a written permit from the president or secretary of said company, unless there is no other public road to the destination of said vehicle, in which event it shall be unlawful for such vehicle to pass over any greater portion of said road than it is absolutely necessary for it to pass over (by reason of there being no other public road) in order to reach its destination. To regulate the use of Bay shell road.

SEC. 2. *Be it further enacted*, That every person violating the provisions of this act, shall be fined ten dollars for the first offense, twenty dollars for the second offense, and thirty dollars for each subsequent offense, and in default of the payment of such fines may be imprisoned as provided by section 4455 of the code of Alabama. Penalty.

SEC. 3. *Be it further enacted*, That the justices of the peace of Mobile county shall have jurisdiction of the violations of the law.

Approved February 12, 1885.

No. 253.]

AN ACT

[H. B. 484.]

To prevent the indecent exposure of the person in view of the Bay Shell Road.

To prevent indecent exposure of person on shell road.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person bathing in a nude or partially nude condition or otherwise indecently exposing their person in view of the Bay Shell Road, shall upon conviction be fined ten dollars for the first offense, twenty dollars for the second offense, and thirty dollars for each subsequent offense, and in default of the payment of such fine shall be imprisoned as provided by section 4455 of the code of Alabama.

Sec. 2. That justices of the peace of Mobile county shall have jurisdiction of these offenses created by this act.

Approved February 12, 1885.

No. 254.]

AN ACT

[H. B. 485.]

To authorize the Bay Shell Road Company to construct and maintain proper protections to its road from the inroads to the Bay of Mobile.

Authority of Bay shell road company.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Bay Shell Road Company shall have full power and authority to build and maintain on either or both sides of the road of said company, all such break water, abutments, bulkheads, wings and other structures necessary or proper for the protection of its road from the inroads of the Mobile Bay; *Provided,* said structures on the land side of said road shall not extend more than fifteen feet from the edge of the road and on the water side shall not extend more than fifty feet from the edge of the road; *Provided,* that all private property upon which such structure is to be erected shall be first condemned and compensation made to the owner thereof as now required by the constitution.

Approved February 12, 1885.

No. 255.]

AN ACT

[H. B. 486.]

To confer police powers upon the watchman of the Bay  
Shell-road Company.

*Be it enacted by the General Assembly of Alabama,*  
That such person or persons as the Bay Shell-road  
Company shall appoint as watchmen of its road shall  
be invested with power to arrest and carry before the  
proper authorities any person who has committed any  
offense in his or their presence upon any part of, or  
within sight of, the road of said Mobile Bay Shell-road  
Company. Police powers  
conferred.

Approved February 12, 1885.

No. 256.]

AN ACT

[H. B. 698.]

To allow constable of Troy beat, Pike county, and the  
constable of beat No. 21, in Jefferson county, Alabama,  
to appoint deputies.

SECTION 1. *Be it enacted by the General Assembly of  
Alabama,* That the bonded constable of Troy beat No.  
1, in Pike county, and the bonded constable of Birming-  
ham beat No. 21, in Jefferson county, Alabama, be and Constables to  
appoint depu-  
ties.  
they are hereby authorized and empowered to appoint  
one or more deputies with like powers and duties as  
themselves, said constables to be responsible for their  
official acts as in the case of the sheriffs of the several  
counties of this State.

Approved February 12, 1885.

No. 257.]

AN ACT

[H. B. 721.]

To authorize an election to prohibit the sale, giving away or otherwise disposing of, for gain, spirituous, vinous or malt liquors, or intoxicating bitters, within the county of Colbert.

Prohibition  
election in  
Colbert co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever ten or more resident householders and freeholders of Colbert county file in the office of the judge of probate of said county a petition in writing, praying for an election to procure prohibition of the sale, giving away, or otherwise disposing of, spirituous, vinous or malt liquors, or intoxicating bitters, in said county, it shall be the duty of said judge, and he is hereby authorized and required, to order an election, and to fix the time of holding the same, which shall not be more than ninety nor less than forty days from the time of filing said petition.

Sheriff to give  
notice.

SEC. 2. *Be it further enacted*, That the sheriff of said county shall give notice, at least thirty days before the time so fixed for such election, of the time of holding and *for what* said election is to be held, by publication as now required by section two hundred and sixty-one of the Code of Alabama, and inspectors and returning officers shall be appointed for all the precincts in the county as now required by law for general elections.

No compensa-  
tion to return-  
ing officer.

SEC. 3. *Be it further enacted*, That upon the day so appointed an election shall be held at the voting places of the several precincts of the county, and all persons who are at the time qualified voters under the general election laws of this State shall be entitled to vote at such election, and such election shall, in all respects, be governed by the general election laws of this State, except that inspectors and returning officers shall not be entitled to compensation for their services.

Mode of voting

SEC. 4. *Be it further enacted*, That at such elections those those who desire to vote for prohibition shall deposit their ballots with the words, "For Prohibition," printed or written thereon, and those who desire to vote against prohibition shall deposit their ballots with the words, "Against Prohibition," printed or written thereon. When the votes so cast are returned and counted by the board of supervisors as now required by law for

general elections, the result of such election shall be, by the judge of probate within ten days, published in the papers printed in said county. Said publication shall be twice made.

SEC. 5. *Be it further enacted*, That if the result of such election shall be in favor of "prohibition," then it shall be unlawful for any person, firm or corporation to sell, give away, or otherwise dispose of, any spirituous, vinous or malt liquors, or intoxicating bitters, within the county of Colbert. After result.

SEC. 6. *Be it further enacted*, That any person who shall violate the provisions of the preceding section shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars, which shall be paid in money; and, on conviction of the same defendant for a second offense, in addition to said penalty, may be sentenced to imprisonment in the county jail or to hard labor for the county for not more than six months, at the discretion of the court or jury trying the same. Penalty.

SEC. 7. *Be it further enacted*, That any person who sells, or gives away, or aids in selling or giving away, any intoxicating liquors or beverages of any description in said county, on the day any election provided for by this act is held, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five hundred dollars, or sentenced to hard labor for the county for not less than six months, one or both, at the discretion of the court or jury trying the same. Day of election

SEC. 8. *Be it further enacted*, That section five of this act shall not be so construed as to prohibit the use of wine for sacramental purposes, or the use of spirituous, vinous or malt liquors by regular practicing physicians in their regular, legitimate practice, or the use of the same by any one for social or medicinal purposes, at his own house or private residence, or to members of his own family. Exceptions.

SEC. 9. *Be it further enacted*, That no more than one election shall be held under the provisions of this act, nor shall the same be held at the time of holding State or county elections for the election of State and county officers. One election.

SEC. 10. *Be it further enacted*, That nothing in this act shall be so construed as to repeal or in any manner

Domestic  
wines.

affect any prohibitory laws by special act in force in said county at the time of such election; *Provided*, that nothing in this act shall prevent any person from selling wine in quantities not less than one gallon made from grapes raised on his own premises.

Approved February 12, 1885.

No. 258.]

AN ACT

[H. B. 724.

To amend the charter of Selma, a municipal corporation in Dallas county in this State.

Amendment of  
charter of Sel-  
ma.

Compromise  
indebtedness.

Issue bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and council of "Selma" the present corporation, be and are hereby authorized and empowered to compromise, compound, adjust and settle, such unpaid debts of the city of Selma, a corporation lately dissolved and abolished by an act of the General Assembly, approved December 11th, 1882, as existed prior to the adoption of the present constitution of this State, upon such terms and conditions as may be agreed upon by and between said mayor and council and the creditors of the defunct corporation, and to that end, and for the purpose of carrying such agreements into effect, the said mayor and council are hereby authorized and empowered to prepare and make bonds in the name and upon the faith of "Selma," the existing corporation, in such form, in such number, of such denominations, payable at such time and place, not less than twenty years, but redeemable at any time after the expiration of ten years, bearing interest at any rate not exceeding legal limits, and payable annually or semi-annually and in all respects as the said mayor and council shall deem best, and the said mayor and council shall be and they are hereby authorized and empowered to issue, use and dispose of said bonds or any of them from time to time, in compounding, compromising, adjusting and settling said debts or any of them, upon the terms and conditions which may be agreed upon by and between them and the creditors aforesaid or any of them; or the mayor and council may sell and dispose of such of said bonds for money at not less

than their face value as may be necessary, and use the proceeds thereof in compounding, compromising, adjusting and settling said debts or any of them, as may be agreed upon and for no other purpose.

SEC. 2. *Be it further enacted*, That in order to provide for the payment of the bonds which shall be issued and disposed of under this act, the said mayor and council shall be, and they are hereby authorized and empowered to assess, levy and collect a tax not exceeding one per centum per annum on the value of the real and personal property and subjects of taxation, within the corporate limits of Selma, and shall apply so much thereof, when collected, to the payment of the interest on said bonds as it matures, and the excess if any shall constitute a sinking fund for the payment or redeeming of said bonds, under the control and direction of said mayor and council, and be applied to that and to no other purpose. Payment of  
bonds and  
interest.

SEC. 3. *Be it further enacted*, That not less than ten councilmen shall constitute a quorum to do all or any of the business authorized or provided for by this act, or by any other act, law, charter power or authority whatever, nor shall such business be done or tax levied or collected, unless at least two-thirds of such quorum shall vote therefor, by yeas and nays, and the names of those voting for or against, shall be recorded with the proceedings of the board of mayor and council, in a book kept for that purpose; *Provided, however*, that the collection of any tax lawfully levied before the enactment of this act, shall not be prevented or interfered with by any provision herein contained. Quorum of  
council.

SEC. 4. *Be it further enacted*, That as the bonds authorized by this act are to be issued and used by a municipal public agency and subdivision of the State, in compounding, compromising, adjusting and settling the debts of another and a defunct municipal corporation of the State, they shall be and are hereby forever exempted from municipal taxation, and all laws and charters or parts thereof in conflict with the provisions of this act are hereby repealed. Bonds exempt  
from municipal  
taxes.

Approved February 12, 1885.

No. 259.]

AN ACT

[H. B. 725.]

To repeal an act entitled an act to carry into effect any plan or scheme for the compromise, adjustment and settlement of the existing indebtedness of the late corporation known as the City of Selma, which may be agreed upon between the creditors of the said City of Selma, and the commissioners of the City of Selma, appointed under and by virtue of an act entitled an act to vacate and annul the charter and dissolve the corporation of the City of Selma, and to provide for the application of the assets thereof to the payment of the debts thereof, approved December 11th, 1882, approved February 19th, 1883.

*Be it enacted by the General Assembly of Alabama,* That the above entitled and described act be and the same is hereby repealed.

Approved February 12, 1885.

No. 260.]

AN ACT

[H. B. 744.]

To amend an act approved February 23, 1883, entitled an act to authorize John A. Lile, J. Council Baker and J. N. Wade, securities on the bond of J. M. Smith, tax collector of Morgan county for the years 1875, 1876 and 1877, to collect the unpaid taxes for said years for the purpose of reimbursing them for moneys paid the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the above entitled act be amended so as to read as follows: That it shall be the duty of the tax collector of Morgan county, to collect all the taxes which were duly levied and assessed on property in said county during the years 1875, 1876 and 1877, and during the term of office of J. M. Smith as tax collector of said county, in all cases where such taxes have not been collected from the tax payer or his property, but have been charged to said J. M. Smith and paid by said J. N. Wade, one of said sureties, either to the State or county, and such taxes when collected, after deducting regular com-

To amend act  
in relation to  
collecting taxes  
of Morgan  
county.

missions, shall be paid by said tax collector to said J. N. Wade, one of said sureties who paid up and made good the defalcation of said J. M. Smith, and the lien for such taxes and all the remedies provided by law to enforce the payment of other taxes, are declared to be in full force as to such taxes so charged to said J. M. Smith and so paid by said J. N. Wade.

Approved February 12, 1885.

No. 261.]

AN ACT

[H. B. 788.

To legalize the acts of the court of county revenues of Wilcox county, and for the relief of said court from all liability for the use of the money heretofore accruing from the hire of convicts by authorizing the treasurer of said county to use said money in settlement of the debts against the general fund of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county revenues of Wilcox county be and they are hereby relieved from all liability for authorizing the treasurer of said county at any time prior to July, 1884, to use the money arising from the hire of county convicts, in settlement of the debts against the general fund of the county, on the warrants of said court of county revenues instead of placing said money to the credit of the fine and forfeiture fund of said county. Relief of Wilcox county.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 12, 1885.

No. 262.]

AN ACT.

[H. B. 834.

To provide for the election and regulation of justices of the peace and constables in that part of the county of Mobile which was included within the corporate boundaries of the city of Mobile as the same was formerly incorporated.

**SECTION 1** *Be it enacted by the General Assembly of Alabama,* That so much of the county of Mobile as lies within the late boundaries of the late city of Mobile as the same were designated and established by the act entitled an act to consolidate the several acts of incorporation of the city of Mobile and to alter and amend the same, approved February 2, 1866, shall be and hereby is divided into eight precincts, to be styled respectively first ward precinct, second ward precinct, third ward precinct, fourth ward precinct, fifth ward precinct, sixth ward precinct, seventh ward precinct, and eighth ward precinct, and that the limits and boundaries of said several precincts shall be identical with the boundaries and limits of the several wards of the late city of Mobile as the same were designated and established by the said act, so that what was designated therein as ward number one of said late city of Mobile shall be the county precinct hereby created and herein designated as first ward precinct, and so forth; each precinct hereby created being identical in territory, boundaries and number with the corresponding wards of the late city respectively.

**SEC. 2.** *Be it further enacted,* That there shall be elected by the qualified electors of each of said eight herein before established precincts of Mobile county as is hereinafter provided, one justice of the peace and one constable for such precinct, who shall hold office as is hereinafter provided; that is to say, an election for said officers shall be held in each of said precincts by the qualified electors of such precinct on the first Monday in March, A. D. 1885, and the said officers then elected shall when duly qualified hold office until the election and qualification of their successors, which successors shall be elected on the first Monday in August, A. D. 1888, at the regular election then to be held for county officers, and the said officers shall be elected at the county elections to be held under the general laws of the State every

Election of justices and constables in Mobile.

Divided into precincts.

Time of election.

four years thereafter, and when so elected and qualified, shall hold office until their successors are elected and qualified; it shall be the duty of the sheriff of Mobile county to give ten days notice in the newspapers published in the Port of Mobile of the election herein provided to be held on the first Monday in March, A. D. 1885, of the polling places, of the names of the inspectors of election and of the returning officers for the said several precincts. Such inspectors and returning officers shall be residents of the respective precincts for which they are appointed. The said sheriff jointly with the judge of probate of Mobile county and the clerk of the Circuit Court, or a majority of them, shall appoint the inspectors and returning officers of the said election and provide for the opening of one poll in each precinct aforesaid, for the election of such justices of the peace and constables, except in the seventh ward precinct, in which two polling places shall be opened. Said election shall be conducted according to the laws governing elections for officers of the same character under the laws of this State, except as otherwise declared in this act, but no person shall be entitled to vote unless he possess the qualifications mentioned in article eight, section one of the constitution of this State, and shall have resided within the county three months before said election, and fifteen days within the precinct in which he proposes to vote, and was a registered voter at the last election held in the county of Mobile for members of the General Assembly, or may be legally registered before said election in March, 1885. It shall be the duty of the inspectors of said election to count the ballots and compare them with the poll lists of their respective polls, and certify the result of the election, in their respective precincts to the sheriff, judge of probate, and clerk of the Circuit Court of Mobile county. They shall enclose the ballots cast in their respective precincts with the poll lists, together with their said certificates of the result, in the box or boxes in which were placed the ballots received at said election, and after carefully sealing the same deliver said box or boxes, with their said contents, to the returning officers, to be by them immediately delivered to the judge of probate, who shall make and give to said returning officer his receipt for said box or boxes, stating therein their condition, when received by them. Said judge of

Appointment  
of inspectors.

Ballots count-  
ed.

Result.

probate, sheriff and clerk of the Circuit Court of Mobile county, or a majority of them, shall immediately after the delivery of the ballot box or boxes, poll lists and inspectors certificate, as hereinbefore required, to the judge of probate, proceed and open said boxes, and, within one day, by count of the votes and comparison thereof with the said poll lists and with the registration lists and returns of the inspectors, verify and, if necessary, correct the returns of the inspectors at the several precinct polls and declare the election to their respective offices of the persons who shall have received the largest number of legal votes in each such precinct for justice of the peace and constable of each such precinct, and shall give certificates of election to their respective offices to the persons so in each such precinct found to be elected. The said certificate, so issued by the judge of probate, sheriff and clerk of the Circuit Court of Mobile county, or a majority of them, shall entitle the persons so certified to the possession of their respective offices, when they shall have duly qualified as provided by the general law for justices of the peace and constables. All the subsequent elections, herein provided for to fill said offices, shall be held under the general laws of the State prescribing the mode of electing county officers. The expenses of the elections, herein provided for, shall be paid in the same manner as is provided for the payment of the expenses of county elections.

Fees and costs unchanged.

SEC. 3. *Be it further enacted*, That all justices of the peace and all constables elected under the provisions of this act, shall qualify under and be in all things governed by the general laws of the State as to their duties, jurisdiction and powers, except in so far as the same are or may be modified by this act or other local statute or statutes relating to the said officers acting within the territory described in section one of this act, which have been or may be enacted at this session of the General Assembly; *Provided*, that nothing herein shall have effect to repeal the existing laws regulating the fees and costs of justices of the peace and constables in Mobile county, or the act entitled an act to provide a more efficient remedy in cases of unlawful entry and detainer in the city of Mobile, approved March 3, 1848, or the act entitled "an act authorizing justices of the peace in the city of Mobile to hold their offices and transact business

without the limits of their proper beats," approved February 4, 1840.

SEC. 4. *Be it further enacted*, That each of said justices of the peace must appoint a particular place for the trial of civil causes, and must hold his court at such place. And that all civil process, original, *mesne* or final, including attachment and garnishment process which may in any civil cause or proceeding be issued by any of said justices of the peace, returnable to a justice's court, shall be returnable to one of the return days of the justice of the peace to whom the said process is returnable, and to no other time; but nothing herein shall prevent the justice of the peace, to whom the same is returnable, from adjourning or continuing the hearing and trial of any civil cause or causes to any other day and sitting until the business is disposed of. The lawful return days of the said respective justices of the peace, shall be the following and no other. That is to say, the return day of the justices of the peace of the first and eighth ward precincts, shall be the first Monday in each month. The return day of the justices of the peace of the second and seventh ward precincts shall be the second Monday in each month. The return day of the justices of the peace of the third and sixth ward precincts shall be the third Monday in each month; and the return day of the justices of the peace of the fourth and fifth ward precincts shall be the fourth Monday in each month.

SEC. 5. *Be it further enacted*, That all process issued by the said justices of the peace and which by law is or may be required to be executed by a constable, shall be executed by a duly qualified constable and by no other person, and in making personal service of any process issuing from any such justice's court, save subpoenas, the officer serving such process shall always leave a copy of the same with the person served, and no service without leaving such copy shall be valid.

SEC. 6. *Be it further enacted*, That in suits before said justices of the peace, it shall be no objection to the jurisdiction of said justices that any defendant is sued out of the precinct of his permanent residence, or out of that in which the cause of action arose, or out of that in which the forcible entry and detainer or unlawful detainer occurred; *Provided*, the precinct of such permanent residence, or in which the cause of action arose, or

Justices must  
appoint a place  
for trial.

Return day.

Constables.

Jurisdiction of  
Justices.

in which the forcible entry and detainer or unlawful detainer complained of, occurred, be one of those defined in section one of this act.

**Term of office.** SEC. 7. *Be it further enacted,* That the terms of office of the justices of the peace and constables now existing in the territory described in the first section of this act, shall continue until the election herein provided to be held on the first Monday in March, 1885, and until the officers hereinbefore provided to be then elected have qualified, and shall then cease and determine; and thereafter no persons shall hold said offices in said territory save under this act.

**Failure to qualify.** SEC. 8. *Be it further enacted,* That whenever a vacancy exists in the office of justice of the peace or constable in the aforementioned territory, occasioned by the failure of the electors to elect at the time provided, or the failure of the person elected to qualify as and within the time prescribed by law, or by death, resignation or any other cause, then, and in such case, the governor shall fill the said office by appointment of a suitable person who, when qualified, shall hold his office until the next election for such officer and until his successor is qualified. And whenever in this act the duration of a term of office is declared to extend until the election and qualification of a successor, the same shall terminate on the appointment and qualification of a successor hereunder.

**Termination of office, docket surrendered to probate judge.** SEC. 9. *Be it further enacted,* That every justice of the peace now or hereafter in office in any of the precincts described in section one of this act, shall, within five days after the termination of his term of office, surrender to the judge of probate of Mobile county his docket and all files and records of suits and proceedings determined by him or then pending in his court. The said judge of probate shall deliver said docket, files and records to the successor of such justice of the peace as soon as said successor shall duly qualify.

**Penalty for failure.** SEC. 10. *Be it further enacted,* That upon the failure of any of said justices of the peace so to deliver to the judge of probate of Mobile county the said docket, files and records within the time specified in section 9 of this act, said justice of the peace shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine

of not less than twenty dollars and not more than one hundred dollars.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with this act, and all special and local laws regulating the practice or jurisdiction or powers of justices of the peace within the territory described in the first section of this act, except those which have been or may be passed at the present session of the General Assembly, and except the act prescribing the fees and lawful costs and charges of justices of the peace and constables in Mobile county, and except the act entitled "an act to provide a more efficient remedy in cases of unlawful entry and detainer in the city of Mobile," approved March 3, 1848, and except further, the act entitled "an act authorizing justices of the peace in the city of Mobile to hold their offices and transact business without the limits of their proper beats," approved February 4, 1840, be, and the same are hereby repealed.

Approved, February 12, 1885.

No. 263.]

AN ACT

[H. B. 835.

To require notaries public exercising the jurisdiction of justices of the peace in Mobile county to exercise said jurisdiction within the precincts and wards for which they are respectively appointed, and to declare void all acts done in contravention hereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That no notary public in the county of Mobile appointed or hereafter to be appointed by the governor, with the jurisdiction of justices of the peace, shall exercise such jurisdiction or hold any court outside of the ward or election precinct for which he was or shall be appointed, but shall exercise such jurisdiction and hold court only within said ward or precinct.

Notary public  
ex officio justice  
of peace in  
Mobile.

SEC. 2. *Be it further enacted*, That all acts done and judgments rendered in contravention hereof shall be utterly void.

Approved February 12, 1885.

No. 264.]

AN ACT

[H. B. 837.]

To validate the incorporation of the City Rail Road Company, and to confirm and make binding all its acts as a corporation, to the same extent as if duly incorporated.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the certificate for the incorporation of the City Rail Road Company, filed in the office of the secretary of state on the fourth day of August, 1883, be, and the same is hereby recognized and ratified as a valid certificate for the incorporation of said company. .

City Railroad  
Comp'ny body  
corporate.

SEC. 2. *Be it further enacted,* That said City Rail Road Company be, and the same is hereby recognized as, and declared to have been, from the time such certificate was so filed, a body corporate, with all the powers and privileges of a street railroad company only incorporated under the general laws of this State.

Acts confirm'd

SEC. 3. *Be it further enacted,* That all the acts of said City Rail Road Company, not in violation of the laws of this State or of the United States, and not inconsistent with the general laws of this State for the regulation of street railroad companies, be, and the same are hereby, in all respects, confirmed and made binding to the same extent as if said company had been duly incorporated.

Bonds.

SEC. 4. *Be it further enacted,* That the issue of bonds by said company, and the execution of the deed in trust of its property made to secure the same, be, and the same are hereby confirmed and made binding upon said company as its valid corporate acts in all respects as if it had been duly incorporated and authorized to issue such bonds and execute such deed of trust.

Approved February 12, 1885.

No. 265.]

AN ACT

[S. 138.]

To provide for the registration of electors in the county of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That no person shall vote at any election held within the county of Mobile, whether the same be general, special or municipal, without being registered as an elector according to the provisions of this act.

SEC. 2. *Be it further enacted*, That the board of commissioners of roads and revenues of the county of Mobile shall superintend the registration of electors therein, of whom the judge of probate shall be one, and shall appoint such assistants of registration and clerical assistants as may be found necessary to facilitate the registration of electors in said county, and carry into effect the provisions of this act. Registration of electors in Mobile.

SEC. 3. *Be it further enacted*, That any person qualified to vote at elections in this State, who shall desire to be registered as an elector, shall take and subscribe the following oath or affirmation to-wit:

State of Alabama, }  
County of Mobile. } ss

I, ———, do solemnly swear (or affirm) that I will support and maintain the constitution and laws of the United States, and the constitution and laws of the State of Alabama, that I am not excluded from registering or voting by any of the clauses of section three, of article viii, of the constitution of the State of Alabama, and that I am a qualified elector under the constitution and laws of this State. Form of oath.

This oath or affirmation may be taken and subscribed before the assistant registrar, or other officer appointed by the said board of revenue commissioners to register electors in his ward or precinct, or if there shall be no such officer specially appointed for the ward or precinct, in which said elector may reside, then before any officer in said county authorized to administer oaths. Said oath or affirmation shall be accompanied with a sworn statement, setting forth the full name, age, color and locality of residence, giving the ward, street and number, if within the corporate limits of the former city of Mobile, otherwise the precinct in which he lives, and such other Name, residence, occupation, &c.

No fee for registration.

Certificate of registration.

particulars as the board of commissioners shall deem requisite to identify fully the person and residence of said elector. The officer administering such oath or affirmation shall file the same with the accompanying statement with the judge of probate, or ex-officio clerk of said board of commissioners, and shall be entitled to receive the sum of five cents for each oath or affirmation so filed by him, to be paid out of the treasury of the county. No fee of any kind shall be demanded or received from any person registering as an elector under this act.

SEC. 4. *Be it further enacted*, That the officer administering the oath aforesaid shall issue to each elector so qualified before him a certificate stating that the person named therein is a registered elector of the precinct or ward mentioned in such elector's statement, made as above provided, and is entitled to vote at all elections to be held thereafter in his said ward or precinct in the county of Mobile, whether general, special or municipal, until the expiration of four years, dating from May 1st, 1885, unless he shall have previously removed from the ward or precinct in which he registered, or became disqualified, under any of the provisions of the constitution and laws of this State. Each certificate shall be numbered in the order issued to correspond with the number of the registration oath or affirmation, and shall embody the identification of the voter as provided in section three of this act. The clerk of the said board of commissioners shall cause the names of such electors to be inscribed in full, in separate duplicate lists for each precinct or ward, and to be numbered according to the order of subscribing said oaths or affirmations and statements. He shall also cause to be entered upon said duplicate lists, the dates of filing said oaths or affirmations and statements of said electors, and shall also cause to be transcribed upon said duplicate lists against the names of said electors, the facts stated by them respectively in their sworn statements; and he may cause to be added such other facts as may serve to identify the said electors. He shall cause the original registration oaths or affirmations and statement of facts to be filed, and shall securely preserve the same.

Board to provide suitable forms.

SEC. 5. *Be it further enacted*, That it is hereby made the duty of said board of commissioners to provide suitable printed blank forms, to be used by the electors in making said oaths or affirmations of registration, and said sworn

statement of facts, also suitable blanks for certificates and reports, which they shall furnish free to each assistant registrar, or any elector at his request. It is also hereby made their duty to provide all suitable books and blank forms for making the duplicate lists of registered voters herein provided to be made. Books.

SEC. 6. *Be it further enacted*, That said board of commissioners shall cause all assistants employed or appointed by them, before entering upon the discharge of their duties, each to take and subscribe the oath of office, according to the provisions of section one, article fifteen, of the constitution of this State. Said oaths shall be filed in the office of the judge of probate of said county. Oath of officers

SEC. 7. *Be it further enacted*, That it is hereby made the duty of said board to make all provisions for the safe custody of said oaths, statements and lists of registered electors, but they shall keep said documents always open to inspection of the public under reasonable rules and regulations. Said board shall furnish copies of said lists of registered voters upon application made therefor; *Provided*, that the expense of causing such copies to be made be borne by the applicant therefor, and that the county shall be at no expense therefor. Copies of lists furnished on application.

SEC. 8. *Be it further enacted*, That thirty days before any election, general, special or municipal, to be held within said county, said board shall deposit with the probate judge of said county, one of the said duplicate lists of registered electors herein provided to be made, which list said judge shall give receipt for and return to said board immediately after the close of such election, and it is hereby made the duty of said probate judge to immediately certify to said board each erasure and change he may make in said registration list under the provisions of section two hundred and twenty-four (224) of the code of Alabama, of the names of the registered electors who may remove their residence from one ward to another in the Port of Mobile. Said board shall immediately cause corresponding erasures and changes to be made upon the list of registered voters remaining in their custody. At all other times when any registered elector may have removed his residence from one precinct or ward to another, said board shall, upon application, cause his name to be entered on the list of electors of the ward or precinct to which he may have removed, and they must erase his Duplicate lists to be deposited with judge of probate prior to election.  
  
In cases of removal of elector

name from the list of registered electors of the precinct of his previous residence. In all cases of change of entry made, arising from a change of residence by the registered elector, the new number shall be numbered with its appropriate number in the ward or precinct to which he removes, and the original number of registration of such elector must also be noted and the entry show his original ward or precinct of registration.

In case of death.

SEC. 9. *Be it further enacted*, That said board shall have power at all times, and it is hereby made their duty to cause to be erased from said lists and copies thereof, of registered electors, the names of such persons as may have died, or have removed from the county, or have been convicted of any crime disqualifying them from voting at elections held in this State.

Registration closes.

SEC. 10. *Be it further enacted*, That thirty days before any election, general, special or municipal, in said county, the said board shall declare the registration of such election to be closed. They shall forthwith proceed to have copies made for each precinct or ward in which such election is to be held, separately, of the lists of the electors registered therein up to the date of such closing. They shall further cause the names of said registered electors to be arranged alphabetically and according to vowels in said copies of said lists, and shall furnish inspectors of election at each precinct or ward in which such election is to be held, with a copy of the list of electors registered in that precinct or ward, duly certified and before the opening of said election.

Arranged alphabetically.

Unlawful to vote unless registered.

SEC. 11. *Be it further enacted*, That it shall not be lawful for any person to vote at any election in said county, general, special or municipal, whose name does not appear upon the list of registered electors of the ward or precinct of his residence furnished such inspectors, except as hereinafter provided, and such inspectors are hereby required to refuse the ballot of such person.

Assistant registrar.

SEC. 12. *Be it further enacted*, That the assistant registrar of each ward or precinct shall be present at the polling place at each election held in said precinct, or if there be no assistant registrars, or said registrar should for any cause be absent, then the returning officer of said election shall act as such assistant registrar, and in case any person who is otherwise a qualified elector under the constitution and laws of this State shall make affidavit

that he was prevented by absence, sickness or non-age from registering within ten days before the registration books were closed for said election, or having registered in another precinct, has removed therefrom since said registration books were closed, then it shall be the duty of said officer to administer to said applicant the oath prescribed in section three of this act, with such particulars and description as shall fully identify said applicant, and thereupon give said elector a certificate of registration, which shall be in the form following:

Oath of elector apply'g to vote after close of registration.

No.——

——Precinct, Mobile county, ——, 18——, I, —— [acting or] assistant registrar for said precinct, do hereby certify that ——, having made the preliminary affidavit and the oath of registration required by law, has this day registered before me as an elector in this precinct until May 1st, 1889, unless he shall become disqualified under the provisions of this act.

Assistant Registrar.

Which certificate, when presented to the inspectors of election, shall be sufficient evidence that the elector named therein is duly registered. The affidavit and registration oath to be numbered and filed, and compensation given as hereinbefore provided in section three of this act. The provisions of this section shall apply also to the city of Mobile, with the exception that in case there shall be no assistant registrars present at the polling places in any of the wards, then application must be made to the judge of probate, who will administer the oaths and make the certificate herein provided.

Sufficient evidence.

SEC. 13. *Be it further enacted*, That all registrations of electors heretofore made in said county under any law are hereby vacated and annulled, and all electors in said county are hereby required to register anew, according to the provisions of this act.

To register anew.

SEC. 14. *Be it further enacted*, That the registrations herein provided for shall be renewed quinquennially, and that all registrations shall become null and void on each first day of May in every fourth year, commencing with May 15th, 1885; and registrations of all electors in said county shall be then had anew, as hereinbefore provided, but any person may be registered as an elector at any time during the year, provided he shall not have

When void.

been already registered during the quadrennial registration then being made.

Neglect of duty  
by board a mis-  
demeanor.

SEC. 15. *Be it further enacted*, That if the board of commissioners shall neglect to perform any of the duties required of them by this act, they shall be deemed guilty of a misdemeanor, and upon conviction must be fined in such sum as the jury trying the same shall assess, not less than twenty nor more than five hundred dollars.

Penalty for  
falsely register-  
ing.

SEC. 16. *Be it further enacted*, That any person who shall knowingly register, or cause himself to be registered, as an elector in any precinct or ward other than that in which he resides at the time, or any person who, not having the qualifications of an elector, shall knowingly register, or cause himself to be registered, as an elector, shall be guilty of perjury, and on conviction shall be punished by imprisonment in the penitentiary, or sentenced to hard labor for the county, not less than one nor more than two years.

Penalty for un-  
lawfully insert-  
ing name in list

SEC. 17. *Be it further enacted*, That any person who shall knowingly insert, or cause to be inserted in the lists or copies of lists of registered electors, herein provided to be made, any name other than that of a person qualified as an elector under laws of Alabama, or knowingly inserts, or causes to be inserted, in such lists or copies thereof, the name of a person who has not taken and subscribed the oaths or affirmations and made the statement herein provided to be taken and made, or who shall knowingly erase or cause to be erased from such lists or copies the name of any registered elector, except as herein provided to be done, shall be guilty of forgery, and upon conviction shall punish by imprisonment in the penitentiary, or be sentenced to hard labor for the county, not less than one nor more than two years.

Compensation  
of judge of pro-  
bate.

SEC. 18. *Be it further enacted*, The judge of probate of the county of Mobile shall be paid such reasonable compensation as may be allowed by the board of county commissioners for the faithful discharge of the labors and duties imposed on him by this act, and in making up the alphabetical lists, required herein, he shall be authorized to employ such clerical force as the said board of commissioners shall deem necessary, and at the rate of compensation to be fixed by said board.

SEC. 19. It shall be the duty of the judge of probate, as soon as the registration for all the precincts and wards

in the county have been completed, to have a copy of the lists returned to him made out and forwarded to the secretary of the State, as provided in section 234 of the Code of Alabama. Copy of lists to be returned to probate judge.

SEC. 20. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. Repeal of laws in conflict.

Approved February 13, 1885.

No. 266.]

AN ACT

[S. 282.]

To incorporate "The Birmingham Water Works Company" for the city of Birmingham, and to confer upon it certain corporate powers.

*Whereas*, it will greatly promote the health and comfort of the citizens of Birmingham, in Jefferson county, Alabama, and of its suburbs to have an ample supply of good and pure water, and the same is greatly needed; *and whereas*, The Birmingham Water Works Company desire to be incorporated to supply it; *and whereas*, in the judgment of the General Assembly, the object of the corporation cannot be obtained under the general laws, To incorporate Water Works Company, Birmingham.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That M. T. Porter, Jos. F. Johnston, J. W. Sloss, A. T. Jones, E. W. Rucker, Jas. E. Webb and such other persons as they may associate with them, their successors and assigns be, and they are hereby created and constituted a body politic and corporate, under the name and style of "The Birmingham Water Works Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and may have and use a common seal, which they may alter or renew at pleasure, and may enact and execute such by-laws, rules and regulations for the government and management of the affairs of said company as they may deem expedient, and may elect or appoint such officers or agents as may be necessary. Board of corporators.

SEC. 2. *Be it further enacted*, That the object and business of said company shall be to establish and construct water works within or near the corporate limits of said city of Birmingham, and to send and distribute wa- Objects and business of company.

ter throughout the said city, and places adjacent thereto; and to that end said corporation may purchase and hold real estate within the county of Jefferson and counties adjacent and any other property that may be necessary and expedient for the carrying on of said business; and also to that end and for that purpose the said company is hereby authorized and empowered by its officers, and persons in its employment, to enter upon, survey and mark out, or lay off, any land between the place or places from which the waters for the purposes aforesaid are to be drawn, and the place or places for the distribution thereof, for the route or course thereof, and to dig, construct, lay or make any dam, reservoir, ditch, canal, pipes or tubes of any material or size, or aqueduct of any kind, that the said company may deem best for the conducting of such water to the city of Birmingham, and from time to time and at any time afterwards to enter upon and dig and work upon said lands along the aforesaid route or course, for the purpose of laying, relaying, examining, repairing, altering or amending such canal, channel, pipes, tubes or aqueduct by and with the consent of the owners of such lands, and if the owners of such lands cannot agree with said company for such right or easement, then the said company may and it is hereby authorized to condemn such rights by a proceeding or proceedings had and conducted in accordance with the provisions of Article 2, Chapter 17, of Title 2 of Part 3 of the Code of Alabama.

SEC. 3. *Be it further enacted*, That said company is hereby authorized to lay pipes and aqueducts for conducting its water and for that purpose make excavations through any of the streets, alleys or public grounds of the said city of Birmingham by and with the consent of the corporate authorities of said city.

Right of way. SEC. 4. *Be it further enacted*, That for the purpose of carrying out the object of its incorporation, the said company is hereby authorized, in order to obtain a supply of water for its reservoirs, pipes and canals, to take, divert, use and condemn the waters of any stream, spring, creek or river and lands, to construct dams and reservoirs, and for this purpose said company may institute proceedings of *ad quod damnum* against the riparian owners of any such creek, stream or water-course, river or spring or lands in the Probate Court of Jefferson county, Ala-

bama, as a proceeding *in rem.* against the water of any such creek, stream, spring or water-course and the riparian rights of the subjacent riparian owners by a petition addressed to said court under and as nearly in conformity as practicable with the provisions of Article 2, Chapter 17, of Title 2 of Part 3 of the Code of Alabama, and upon the filing of such petition, the jurisdiction of said court shall attach to the *rem.* and the judge thereof shall cause a monition or notice, signed by him as such judge, addressed "to all whom it may concern" to be given of the filing of said petition and of the purport in general terms thereof, to be published in some paper printed in the city of Birmingham, Ala., for twenty days prior to the day to be appointed by him for the hearing thereof; and also cause a copy of said notice to be posted by the sheriff of said county in some conspicuous place at or near the place or point on such stream or water-course where it is proposed to deflect said water from its natural channel; and thereafter the proceedings in said cause upon said petition shall be had and conducted after the manner, as near as practicable, as is provided in said Article 2 of Chapter 17, Title 2 of Part 3 of the Code, except that no personal notice shall be necessary to be given to the individual riparian owners along said stream; and when said damages are so assessed and determined they shall be paid into the said Probate Court by said company for the use and benefit of all persons who may suffer damage by reason of the diversion of said water, and thereafter the rights of all the subjacent riparian owners shall be transferred to and be invested in the said money so paid into court, and thereafter said court shall give notice requiring all persons claiming any interest in said money so paid in to come into court and propound their claim thereto. And from any and all of these proceedings authorized by this section the right of appeal to the Supreme Court of Alabama direct is hereby given to any person whose rights of property are affected thereby; *Provided, however,* that the provisions of this section shall not apply or be construed to authorize said company to condemn or appropriate for its use the springs or waters flowing therefrom in sections 1 and 12, township 18, range 3, west, or to the sources of, and waters in Cedar Branch, in said county, or to the waters

Notice of petition published.

Damages.

Exception.

of Village Creek, or to any springs used for private and domestic purposes, or to Hawkins Spring, or to take or interfere with any water used by any other company for supplying the city of Birmingham.

**CAPITAL STOCK.** SEC. 5. *Be it further enacted,* That the capital stock of said company shall be divided into shares of one hundred dollars each, amounting to one hundred thousand dollars, to be increased by additional shares to five hundred thousand dollars, as the business of said company may require, and at the option of a majority in value of the stockholders; said stock may be paid either in money or property.

**MAY BORROW MONEY.** SEC. 6. *Be it further enacted,* That the said company may, by a vote of its stockholders, borrow money to carry into effect the object and provisions of this charter, and to issue its bonds and to secure their payment by a mortgage on its property and franchises.

**PENALTY FOR INTERFERING WITH THE RIGHTS OF THE COMPANY.** SEC. 7. *Be it further enacted,* That if any person or persons shall wilfully injure or destroy any portion of the water works, reservoirs, fixtures or other property of said company, or shall wilfully deposit any offensive or unwholesome substance or matter in the reservoir, pipes or streams supplying the same, or shall open a communication into any of the mains or pipes thereof, otherwise than by the authority of the said corporation, or its lawful or authorized agents, such person or persons shall be guilty of a misdemeanor and subject to prosecution in any court having jurisdiction of such offense in Jefferson county, Alabama, and, on conviction, shall be fined in a sum not exceeding five hundred dollars, and may be imprisoned or sentenced to hard labor for the county for not more than twelve months at the discretion of the jury trying the same.

**RIGHT TO MAKE CONTRACT.** SEC. 8. *Be it further enacted,* That said company shall have the right to make contracts with individuals and corporations for the water to be supplied by it, and to charge for and collect such water rates and compensation therefor as may be contracted to be paid to them.

Approved February 13, 1885.

No. 267.]

AN ACT

[S. 384.]

To incorporate the town of Brewton in Escambia county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Brewton, in the county of Escambia and State of Alabama, shall be and continue incorporated, and the corporate limits shall be as follows: To be bounded on the south, east and west by Murder and Burnt Corn creeks, and shall extend one mile north from the court house in said town in all directions between the two said creeks, and the present and future inhabitants of said town shall be and continue a body politic and corporate under the name and style of "the town of Brewton," under and by which name and style the corporate authorities may sue and be sued, either in law or equity, and may purchase and hold property to the amount of twenty thousand dollars, and do all acts incident to bodies corporate. To incorporate town of Brewton.

SEC. 2. *Be it further enacted,* That the government of said town shall be styled mayor and council of Brewton, and shall consist of a mayor and five councilmen, who shall be citizens and householders of said town, and shall serve for the term of one year and until their successors are elected and qualified; said officers to be elected by the qualified electors who shall have resided in said town for three months next preceding the election, and before entering upon their official duties shall take an oath to support the constitution of the State and the oath of office therein contained. Style of government.

SEC. 3. *Be it further enacted,* That the regular elections for said officers shall be held annually on the fourth Tuesday in January, and shall be conducted by two or more qualified electors appointed by the mayor for that purpose; and said mayor so elected shall ex-officio be a justice of the peace with jurisdiction concurrent with the County Court of said county to try all misdemeanors committed within said corporate limits and to have all the jurisdiction of notaries public in said county of Escambia, Alabama. The mayor and councilmen shall determine the legality of elections and declare who are the duly elected officers, and in case of a tie shall determine who shall be mayor and councilmen; but the corporation shall not be dissolved should there be no election as here- Election of officers.

in prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held on some day within thirty days thereafter.

Vacancies.

SEC. 4. *Be it further enacted*, That should a vacancy occur in the office of mayor or councilmen, such vacancy shall be filled by the remaining members of the board.

SEC. 5. *Be it further enacted*, That the mayor and councilmen of said town shall have power:

Clerk and marshal.

1. To employ a clerk who in addition to his general duties shall assess the taxes; a marshal who shall collect the taxes; also to employ counsel for advice, and for the prosecutions of offenders, and for the defense of all suits against said town.

2. To determine the fees and salaries of officers.

Laws and ordinances.

3. To enact such laws and ordinances as may be necessary to maintain the powers herein granted.

4. To prevent and remove nuisances at the cost of the person or persons causing them or on whose premises they are found.

Licenses.

5. To license, tax, regulate or restrain any or all shows or exhibitions, public concerts or other amusements.

To preserve peace.

6. To prohibit all disorderly houses, houses of ill-fame, racing, prize fighting, cock fighting, gaming and gaming houses, within the limits of said town.

7. To prevent and punish breaches of the peace and disorderly conduct, to define and punish vagrancy and to punish all other misdemeanors known to the laws of the State.

Police.

8. To establish night and day police.

9. To prevent and punish all unlawful assemblies.

10. To prevent and punish violations of the Sabbath, any disturbance of or interference with public or private worship, to punish profane, abusive, insulting or obscene language, or indecent exposure of the person or other improper exhibition.

11. To prevent and punish wanton, willful or malicious mischief to houses, fences, fruit, shade or ornamental trees, animals or other property within the corporate limits of the town.

Repair streets.

12. To keep in repair the public streets, sidewalks, alleys, avenues, bridges and wells of said town, to keep them free from obstruction, to widen and change their direction, to discontinue or close them when expedient, and to open new ones.

13. To regulate weights and measures, to erect public scales, houses, to appoint public weighers and measurers, define their duties and fix their compensation. Weights and measures.

14. To prohibit any person or persons from selling, keeping for sale or otherwise disposing of any spirituous, vinous or malt liquors, or other intoxicating beverages, or intoxicating bitters within the corporate limits of said town. Prohibit sale of liquor.

15. To license and tax billiard tables, bowling alleys and peddlers.

16. To prevent stock from running at large in the streets. Stock.

17. To punish by fine not exceeding one hundred dollars and imprisonment, or hard labor or both, for not exceeding one hundred days, any breach or violation of the laws, ordinances, by-laws and regulations of said town, and to impose additional hard labor and imprisonment for non-payment of fines and costs not inconsistent with the laws of the State; *Provided*, that in all cases wherein judgment shall have been rendered against any person, he shall be entitled to an appeal to the Circuit Court for Escambia county, under the rules and regulations prescribed by the laws of the State for cases tried in the County Court; *and provided further*, that in all cases of appeal from the mayor's court to the Circuit Court, where the defendant is convicted, the fine assessed against him in said court shall be collected in money and paid over to the treasurer of the town. To punish by fine, &c.

18. To enact such laws and ordinances as may be necessary to regulate and govern hiring the convicts of the town not inconsistent with the laws of the State. Hiring of convicts.

19. To establish and regulate markets, and to rent out the stalls in the same, saving and reserving, however, an ample space therein for the use of country people who may attend the same with marketable supplies, and to prohibit the selling of fresh meats, poultry, fish or game except at the public markets.

20. To take care of, remove, preserve, designate and regulate all burying grounds within the town. Burial grounds.

SEC. 6. *Be it further enacted*, That said corporation shall have power to levy on all property, real and personal, or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the rate prescribed by the Levy and collect taxes.

constitution and laws of the State for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

**Assessment.** SEC. 7. *Be it further enacted*, That an assessment of all the property within the limits of the town subject to taxation by the laws of the State, shall be made annually to the owner of said property, when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the assessor shall and must proceed to assess the same from the best information he can obtain. The assessment when completed must be returned to the mayor and councilmen, who shall cause ten days notice to be given by posting or by publication in a newspaper published in the town, of the time and place when corrections will be made. When corrections shall have been made as above provided, the assessment must be marked "approved." The assessment so approved shall have the force and effect of a judgment and execution, and on failure on the part of the owner of any property to pay said taxes, the marshal, or person collecting taxes may collect the same by levy upon, and sale of such property, or any other property of any kind owned by such delinquent tax payer; *Provided*, that no property of any description shall be exempt from taxation by the town except such property as is exempt from taxation by the laws of the State; *and provided further*, that all sales of property under the provisions of this act must be advertised by posting or by publication in a newspaper published in the town for fifteen days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed, when known, and the amount of taxes for which it is to be sold. Certificates of purchase must be given by the officer making sale of said property, similar in form to those given in sale of property for the collection of State and county taxes, and shall have the force and effect of transferring title thereto. The time and right of redemption of real property so sold shall be the same as provided for by the laws of the State. And at the expiration of the time for redemption of property sold, the mayor must upon presentation of the certificate of purchase, execute a deed to the purchaser of said property in accordance with the laws of the State in relation

**Exemptions.**

**Sales of property for taxes.**

thereto, and shall be entitled to the same fees therefor as provided in other cases.

SEC. 8. *Be it further enacted*, That all persons residing within the corporate limits of said town who are liable to road duty, shall be liable and are hereby required to work on the streets and roads in said town not exceeding ten days in any one year; *Provided*, that all such persons shall be exempt from such duty by paying such a street tax as the corporate authorities may impose, not exceeding five dollars in any one year, and all such persons exempt from road duty by the laws of the State are also exempt from road or street duty within the corporate limits of said town. Road duty.

SEC. 9. *Be it further enacted*, That the mayor of said town of Brewton shall have jurisdiction of, and power to try all violations of the laws and by-laws and ordinances of said town, and jurisdiction concurrent with the County and Circuit Courts of all misdemeanors known to the laws of the State, committed within the corporate limits of said town, and shall have power to punish by fine or imprisonment all contempt of Court or process, and in case of the absence of the mayor or in cases where he is related to the defendant, or otherwise interested in the case, it shall be lawful for either one of the councilmen to act in the mayor's place. Mayor's jurisdiction.

SEC. 10. *Be it further enacted*, That the marshal shall have the same power to arrest offenders, execute process and enforce the by-laws and ordinances of the town as sheriffs have, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the State. He shall also have power to arrest offenders in any part of the county upon warrant issued by the mayor. He shall at all times be authorized to arrest offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until trial unless bail is given. Marshal's powers.

SEC. 11. *Be it further enacted*, That in addition to the powers hereinbefore granted the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the town. Additional authority of mayor and council.

SEC 12. *Be it further enacted*, That no prosecution,

Pendi'g claims  
not affected.

suit or claim whatever, pending or to be brought under existing laws shall in any manner be affected, impeded or altered by the passage of this act. And all the existing ordinances, by-laws and regulations of said town of Brewton, adopted in pursuance of the original charter of said town, and not inconsistent with the provisions of this act, or the constitution and laws of the State of Alabama, shall be and remain in full force and effect as the by-laws and ordinances of said town until repealed or modified by the mayor and councilmen under this act. And that the present elected officers of the said town of Brewton, shall be subjected to the provisions of this act in all things that pertain to their official duties, and shall be vested with all the power and right conferred by this act during their term of office and until their successors are elected and qualified.

Bonds of town  
officers.

SEC. 13. *Be it further enacted*, That before the mayor and marshal of said town shall enter upon the discharge of their duties, each shall enter into bond with approved securities in the penal sum of five hundred dollars, conditioned to faithfully discharge the duties imposed upon him and payable to the common council of Brewton and to be approved by them.

Repeal.

SEC. 14. *Be it further enacted*, That all laws and parts of laws in conflict with this act shall be inoperative against the provisions hereof.

Approved February 13, 1885.

No. 268.]

AN ACT

[H. B. 324.

To authorize the Court of County Commissioners of Perry county to erect proper houses at the places of voting in each election precinct in said county.

Erect houses at  
voting places  
in Perry co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Court of County Commissioners of Perry county be and they are hereby empowered to erect suitable houses at the place of voting in each election precinct in the said county for the convenience of the voters, in which said houses the elections in the respective precincts shall be held.

SEC. 2. *Be it further enacted*, That the houses pro-

vided for in the first section of this act shall be erected only when in the opinion of the Court of County Commissioners the same may be necessary, and the court shall prescribe and determine the size and the material to build said precinct houses and the cost of the same.

SEC. 3. *Be it further enacted*, That the expense of erecting said precinct houses shall be paid by the county.

Approved February 13, 1885.

No. 269.]

AN ACT

[H. B. 359.

To revive, renew and amend the charter of the Cahawba River Bridge Company, granted February 29th, 1848, and the amendment thereto.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the charter granted and approved February 29th, 1848, that a stock company shall be established for the purpose of building a toll bridge across the Cahawba river at any point on said river not less than half a mile nor more than five miles, by the meanders of the river, from the mouth thereof, to be selected by three commissioners to be appointed by said company for the purpose; the capital of which company shall not exceed twenty-five thousand dollars, divided into shares of fifty dollars each; *Provided*, that said bridge shall not be so constructed as to injure the navigation of said river. That subscription towards constituting said company shall be opened in the town of Selma, under the superintendence of Henry Frow, Hugh P. Ferguson and Thomas J. Frow, or a majority of them; in the town of Marion, Perry county, on the first Monday in May next, under the superintendence of James C. Harrall, John Cunningham and A. P. Langdon, or a majority of them; and in the town of Cahawba, in the county of Dallas, on the first Monday in May next, under the superintendence of James D. Craig, Joseph Babcock and Richard C. Crocheron, or a majority of them, and remain open at least two days at each time of opening said books, until a sum sufficient, in their opinion, shall be subscribed to build said bridge, five dollars to be paid on each share at the time of subscribing, and the balance when called for

Cahaba Bridge Co. chartered.

Capital stock.

Subscription lists.

by the president and directors. That the subscribers to the said company, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of President and Directors of the Cahawba Bridge Company at Cahawba, and by that name shall be and are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing, depending in any court of law or equity, and also to make and use a common seal, and the same to break, alter or renew at pleasure, and also to make, ordain, establish and put in execution such by-laws and regulations as they may deem necessary for the government of said company, not incompatible with the laws of this State. That for the management of said company the stockholders shall annually, on the first Monday in January in each and every year, elect three directors by the qualified stockholders of said company and by a plurality of votes, giving one vote for every share of fifty dollars, and the said directors, so chosen, shall be capable of serving until the next annual election, or their successors are qualified; and the board of directors shall annually elect, at the first meeting after the election, one of the directors to be president of said corporation, who shall hold his office one year, or until his successor is elected; *Provided*, that when a vacancy shall occur by resignation or otherwise, the board shall have power to fill said vacancy from any stockholder. That as soon as a sufficient sum is subscribed notice thereof shall be given in some public newspaper printed in Dallas county, and at the same time a notice shall be given of the time and place of holding the first election, at least ten days previous to the time of said election. That it shall be lawful for the directors to call a general meeting of the stockholders at any time they may deem necessary and expedient, and any member of the stockholders owning at least one-third of the stock shall have power at any time to call a general meeting, giving at least twenty days' notice in a newspaper, and stating the object of said meeting. That the property of the aforesaid bridge, when built, shall be, and the same is hereby vested in the said corporation for the term of thirty years and they may demand and receive on the completion of said bridge, toll according to the following rates, to-wit: For every four-wheel car-

Body corp' rate

Stockholders' meeting.

Time and place of first election

riage, fifty cents; for every wagon, fifty cents; for every two-wheel pleasure carriage, twenty-five cents; for every cart, twenty-five cents, for every man and horse, twelve and a half cents; for each loose horse, three cents; for each foot passenger, five cents; for each head of cattle, two cents; for each head of sheep or hogs, two cents. That it shall be the duty of said corporation to keep said bridge in good repair, as long as they may think proper to receive toll; they shall be held bound for all injuries which may be sustained in passing said bridge; *Provided*, said injury result from the negligence of the keeper, or from want of repairs to the bridge. That it shall be the duty of the commissioners appointed to select a site for said bridge, also to select a site for a road leading to and from said bridge, and mark out the same and apply to the judge of the county court and commissioners of roads and revenue for a jury to assess the damages for the land the road may pass through, and also for the timber used in the erection of said bridge, whose duty it shall be to appoint said jury, and as soon as the damages shall be paid by said company, to order the road to be opened, under the same rules and restriction as other public highways, and which road shall be of the first grade until it shall intersect other roads. That the County Court of the county in which said bridge shall be erected shall be, and they are hereby authorized, whenever it may, in the opinion of the judge thereof, be deemed necessary, to appoint suitable commissioners to inspect the situation of the bridge, and if a majority of them shall report that the bridge is not in good order and fit for passengers, the court shall have power to suspend the collection of toll until said bridge shall be put in good repair. To the Cahawba River Bridge Company at Cahawba, Alabama, and all amendments thereto, together with all the rights, privileges, franchises, terms, conditions, restrictions and limitations, granted and contained in and by the same, are hereby revived, renewed and granted unto William M. Martin, Clifton Kirkpatrick and Samuel Kirkpatrick, and to their associates and successors.

Tolls.

Duty of commissioners.

Inspection.

SEC. 2. *Be it further enacted*, That whenever the bridge, authorized by said charter, shall or may be destroyed, or so impaired as to prevent or hinder travel or passage thereover, the said William M. Martin, Clifton

Ferry in case bridge is destroyed.

Bridge to have  
a draw.

Kirkpatrick and Samuel Kirkpatrick, their associates and successors, may establish and carry on a public ferry across the Cahawba River at or near the point of location of said bridge, and charge and receive the same toll thereon as is authorized on said bridge; *Provided*, that whenever a bridge is erected by said company across the Cahawba River, said bridge must be built or constructed with a draw, not less than forty feet, so arranged or constructed and operated as to afford easy and safe passage through said bridge, of boats navigating said river.

Approved February 13, 1885.

No. 270.]

AN ACT

[H. B. 493.

To prohibit the selling or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or other intoxicating drinks of any kind in the county of Conecuh, or beat or precinct thereof, and to leave the ratification of the same to a vote of the people of Conecuh county of Alabama.

Prohibition in  
Conecuh co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, and the ratification of the same as hereinafter provided for, it shall be unlawful for any person or persons to sell or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters or other intoxicating drinks within the county of Conecuh, or beat or precinct thereof; *Provided*, that this act shall not be so construed as to prevent the use of wine for sacramental purposes, or the social or domestic use of liquors in private families.

Penalty for  
violation.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate or attempt to evade the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars in each case, and may be imprisoned not more than six months, at the discretion of the Court trying the same.

Fines payable  
in money.

SEC. 3. *Be it further enacted*, That all fines imposed under this act shall be payable alone in money, and upon the conviction of any person or persons, under the provisions of this act, where the proof shows that the person

or persons convicted disposed of the spirituous, vinous or malt liquors, or intoxicating bitters, or other intoxicating drinks, for money or gain, the Court trying the same shall have no power to remit or lessen the fine; *Provided further*, that the circuit judge shall give the grand jury at each term of the Court, this act specially in charge, and where the proof before the grand jury shows that the accused has disposed of the spirituous, vinous or malt liquors, or intoxicating bitters, or other intoxicating drinks for money or gain, it is hereby made the duty of the grand jury to find a bill.

SEC. 4. *Be it further enacted*, That the probate judge of Conecuh county shall order an election to be held in each beat in said county, on the first Monday in April next, 1885, and the sheriff of said county shall give the usual notice and conform in every particular to the requirements of the election laws of this State; he shall state the object of the election to be to ratify or reject the provisions of this act, and it shall be his duty to use all his endeavors to insure a fair and honest election.

SEC. 5. *Be it further enacted*, That said election shall in all things be governed by the election laws of this State so far as they are not in conflict with the provisions of this act.

SEC. 6. *Be it further enacted*, That in the management of said election one of the inspectors must number each ballot with the same number as the name of the voter on the poll list, and the ballot must then without being opened or examined be deposited in the proper ballot box.

SEC. 7. *Be it further enacted*, That at said election all persons who are qualified by the constitution and laws of this State to vote for members of the General Assembly of Alabama and who reside in the county of Conecuh, shall be qualified electors to vote at said election. That at said election the elector shall have written on his ticket "prohibition" or "no prohibition," and should a majority of the votes cast at said election be "prohibition," then this act shall go into full force and effect, or should a majority of the votes cast at said election in any beat or precinct thereof be "prohibition" then this act shall go into full force and effect in said beat or precinct, but should a majority of the votes cast

Probate judge  
to order election.

Duty of inspector.

Mode of voting.

at said election be "no prohibition," then this act shall be void and of no effect.

Returns.

SEC. 8. *Be it further enacted*, That the returning officers of the different precincts shall make their respective return as required by law, and the officers whose duty it now is shall count and announce the result as is customary in other elections. That any officer failing to perform any duty herein required of him, shall be deemed guilty of a misdemeanor and be fined upon conviction not less than one hundred nor more than five hundred dollars.

Fraud tried by probate judge.

SEC. 9. *Be it further enacted*, That the probate judge of said county shall have jurisdiction to try all questions of fraud or swindling that may grow out of said election, and that any qualified elector or electors of said county are hereby authorized to bring the question of fraud or swindling before the probate judge by filing as briefly as possible a declaration setting forth the act or acts of fraud or swindling, and no objection shall be taken to said declaration for want of form; *Provided*, the declaration is filed with the probate judge within twenty days after said election, and said probate judge is further authorized to summon such witnesses and send for such persons and papers as may be necessary, and the trial shall proceed as speedily as possible; *Provided further*, that any elector or electors of the county who may feel dissatisfied with the decision of the probate judge, may appeal the cause to the Supreme Court upon giving such bond as the probate judge may require to cover the cost of appeal.

Appeal.

License money to be refunded pro rata.

SEC. 10. *Be it further enacted*, That should this act be ratified, all licenses, both State, county, municipal, taken out under the law for the sale of liquors in said county, shall be refunded after deducting the length of time the person or persons have done business under their license, and should this act not be ratified nothing herein contained shall be so construed as affecting the prohibition laws now in force in the county of Conecuh.

Penalty for illegal voting.

SEC. 11. *Be it further enacted*, That should any person or persons vote at said election who is not a qualified elector and entitled to vote under the laws of Alabama, such person or persons shall be liable to indictment as provided by the general laws of this State, and upon con-

viction shall be punished as is provided by the general laws of the State for illegal voting.

Approved February 13, 1885.

No. 271.]

AN ACT

[H. B. 703.

To amend an act entitled an act to establish the Warrior Agricultural District, to provide for the securing of the same and the management of its affairs, which was passed by the General Assembly of Alabama and approved February the 12th, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the title of an act entitled "an act to establish the Warrior Agricultural District, to provide for the securing of the same and the management of its affairs," be amended so as to read as follows, to-wit: An act to establish the Warrior Agricultural District; to authorize the erection of an outside fence and to dispense with inside fences, and to levy taxes to erect said fence and to defray all the current expenses of said district. That section 1 of said act be amended to read as follows, to-wit: That from and after the passage of this act there shall be established in the county of Tuscaloosa a district to be called "The Warrior Agricultural District," to be bounded as follows, to-wit: Starting from the Black Warrior river on the section line running south, between sections 20 and 21, thence south on said section line, and on the dividing line between sections 28 and 29 to the southeast corner of section 29; thence east along the dividing line, between sections 28 and 33, to the northeast corner of section 33; thence south with the dividing line between sections 33 and 34 to township line on the east and south side of the Alabama Great Southern railroad track; thence south and west along said railroad track to King's branch in section 4, township 24 and range 5 east; thence westward with said branch to the Black Warrior river; thence with said river to the point of beginning. That section 3 of said act be amended to read as follows, to-wit: That until the first annual election is held, Frank S. Moody, James R. Maxwell, Thomas L. Carson, L. M. Clements, A. B. McEachin and B. Friedman, all owning

Warrior Agricultural District.

Boundaries.

Commissioners

**Taxes.**

land in said district, are appointed and empowered to act as commissioners. That section 8 of said act be amended so as to read as follows: That the Commissioners Court of the county of Tuscaloosa shall, at the request of the commissioners of said district, in addition to the taxes for county purposes, levy and cause to be collected, a tax not to exceed one-half of one per cent. on the assessed value of all the lands within the bounds of said district, for the first year, beginning on the first day of January, A. D. 1885, and one-half of that amount for each succeeding year—the first assessment to be made within 30 days after the passage of this act, or as soon thereafter as practicable, and to be due and payable and to be collected with like remedies as are provided for the State and county taxes—which said tax shall be assessed by the county assessor and collected by the tax collector of the county, and when so collected shall be paid over by said collector to the commissioners of said district; *Provided*, that said tax collector shall be liable on his official bond for the faithful collection and accounting for said tax. That section 12 of said act be amended so as to read as follows: That the provisions of this act, contained

**Outside fence.**

in sections 10 and 11, relating to estray animals and impounding the same, cannot be enforced until 30 days after the passage of this act, and until said outside fence is completed; that no greater fee than two dollars each cow can be charged for impounding stock, and no other costs than reasonable charges for feeding and attending to said impounded stock; but it is provided that in case any stock is impounded, as provided for in this act, which have caused damage to any crops within said district by trespassing thereon, then the owner thereof must first pay the amount of said damage to the owner of said crop so injured before he can reclaim said stock, the said damage to be estimated by the said district commissioners, any three of whom shall constitute a quorum for said purpose; and it is provided that either party may appeal from the award of said commissioners to the Circuit Court in the same manner that appeals are allowed from justices of the peace; and it is further provided that in case the stock impounded under this act is not called for by the owner within ten days, or in case the owner fails for ten days to pay the costs and charges of impounding or the amount of damages awarded for injury to crops, as

**Damage by stock.**

the case may be, the pound-keeper who has charge of said stock shall advertise the same for sale as follows, to-wit: If the owner be unknown, then the same must be advertised in some newspaper published in Tuscaloosa county for one week, but if the owner be known then said advertisement shall be for three days by written poster at the court house door, but the former notice shall only be required in the cases of horses, mules and work oxen; all sales under this act shall be at the pound where the stock is held and for cash. It is further provided, that the proceeds arising from said sales shall be applied as follows by the pound-keeper making the same: First, to the payment of the costs of sale; second, to the payment of the fees, costs and charges of the pound-keeper, and third, to the payment of the damages chargeable to said stock, if any there be; and in case a surplus should remain, then the said pound-keeper shall pay over the same to the treasurer of the said district.

Penalty and  
proceeds of  
sale.

Approved February 13, 1885.

No. 272.]

AN ACT

[H. B. 706.

To establish a new charter for the town of Attalla.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Attalla, in the county of Etowah, shall be and continue a body politic and corporate by the name of "the town of Attalla," and by this name may sue and be sued, receive and grant, and do all the other acts as natural persons in respects to the powers herein granted, may purchase and hold real estate, personal and mixed property, and dispose of the same for the benefit of said town, and may have and use a corporate seal which may be broken or changed at pleasure.

New charter  
for town of  
Attalla.

SEC. 2. *Be it further enacted*, That the corporate limits of the said town of Attalla shall extend one-half mile in all directions from the point where Broad street crosses the Alabama Great Southern Railroad; which said corporate limits may be enlarged or contracted by the corporate authorities of said town; said corporate

Corporate  
limits.

Four wards. authorities may lay off said town into four wards; said wards may be altered or changed by the council as they may see fit.

Mayor & four councilmen. SEC. 3. That the government of said town shall consist of a mayor and four alderman who shall be elected

on the first Tuesday in March, 1885, and annually on the first Tuesday in March thereafter, by ballots by the qualified voters of said town, who shall have resided therein for thirty days and the county six months, and the State twelve months next preceding said election, and are qualified electors under the general election laws of the State; that should the election not take place on the day fixed for the annual election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter on which the day of election shall be held, and should the mayor and aldermen fail or neglect to provide for the election annually, they shall be guilty of a misdemeanor.

Notice of election. SEC. 4. *Be it further enacted*, That it shall be the duty of the clerk of the board and mayor of the town to provide for the opening of the polls, to give ten days notice by posting up notices in three public places in said town of the time of said election; the number of inspectors shall be three, and the mayor and aldermen shall appoint said inspectors.

Majority necessary to transact business. SEC. 5. *Be it further enacted*, That a majority of the board shall be required to transact any corporate business, but any number not less than two may assemble at their regular place of meeting, adjourn from day to day, and compel attendance of the absent members in such manner and under such penalties as the board may prescribe. That the board may prescribe its mode of procedure, fine its member for absence or disorderly behavior, and fill all vacancies that may occur by death or otherwise. In the mayor's absence, at any meeting of the board, the members present may select a presiding officer from a member of the body, or in case of mayor's sickness or his temporary absence from the town, or his incompetency by reason of interest or kinship, or other inability to discharge the duties of his office, he may appoint any alderman to act as mayor in his stead, and such mayor pro tem. shall

have all the powers of the mayor and shall perform all his duties.

SEC. 6. *Be it further enacted*, That it shall be the mayor's duty to preside and keep order at the meetings of the board, he may call special meetings of the board whenever the interests of the town requires it; he shall keep his office in said town and hear and determine all cases of violation of all the laws or ordinances or charter of said city, and punish offenders in such manner as board may direct, and shall receive such fees and salary as board may prescribe. The mayor shall possess within the corporate limits of Attalla, all the powers and jurisdiction of a justice of the peace, in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace, and shall before exercising the duties of a justice of the peace, give bond like other justices of the peace. The mayor before entering on the duties of his office as mayor, shall give bond, to be approved by the probate judge of Etowah county in the sum of two hundred dollars payable to the town of Attalla, and conditioned for the faithful performance of his duty as mayor; from any judgments of the mayor, as such, an appeal will be to the next term of the Circuit Court of Etowah county upon defendants entering into bond approved by the mayor, payable to the town of Attalla, with two good securities, for such sum as mayor may require, not less than twice the fine and costs conditioned to prosecute such appeal to effect and to pay and satisfy the judgments with costs in case judgment shall be affirmed by said Circuit Courts, or to pay such payment as Circuit court may render in said appeal cause; but unless such bond be given within ten days from date of mayor's judgment, no appeal shall be allowed. The proceedings on such appeal shall be such as are prescribed by law in cases of appeals from justices of the peace in civil cases, except as herein otherwise provided. If such defendants fail to appear in said Circuit Court when the case is called for trial, the judgment of the mayor shall be affirmed by said Circuit Court and judgment shall be thereupon rendered against defendants, and the sureties on his appeal bond for the amount of the fine imposed by the mayor and costs of the appeal, and ten per cent. damages, unless good cause is shown to the courts for his absence or defaults, and in case defendant appears and judgment

Mayor to preside.

Mayor's sal'ry.

Ex officio justice of peace.

Appeals.

Remanded.

is rendered by said Circuit Court against said defendant, for money, the court must also render judgment against the sureties on his appeal bond for the amount of said judgment and costs of the appeal, and if the judgment of said court be that the defendant be imprisoned or put to hard labor for the town, then said court shall render judgment against defendant and sureties on his appeal bond for the cost of the appeal and the trial before the mayor and remand the defendant to the town authorities for punishment. The said appeal when taken shall stand for trial at the first term of the Circuit Court of Etowah county, and shall then be tried and determined unless some good cause is shown for a continuance.

Mayor's jurisdiction.

SEC. 7. *Be it further enacted*, That the mayor shall have jurisdiction of all proceedings by motion, *scire facias* or other suits instituted for the collection of any penal bond taken under this act or under the ordinance of said town of Attalla, passed under this act and from his judgments therein executions may issue and be enforced like executions from a justice's court. Said mayor shall have the right to punish for contempt while holding his court, by fine not exceeding twenty-five dollars, or by imprisonment for not longer than ten days, and may compel the attendance of witnesses on his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced, if they fail to appear and testify before him after being duly served with a subpoena. The mayor shall have power to suspend the marshal or any policeman till next meeting the facts of such suspension and the cause thereof; he shall do and perform such other and further duties as the board may require.

Board appoints marshal, clerk and treasurer.

SEC. 8. *Be it further enacted*, That the board may appoint a marshal, clerk and treasurer of said town and such other officers as they may see fit and think necessary for the good government of said town and to carry out the power herein granted, and may prescribe the duties of such officers and liabilities and powers and may require them to give bond in such sum as they see fit for the faithful discharge of their duties and may discharge and remove such officers at pleasure and fix their salaries. For any breach of the bond of such officers, suit may be brought and a recovery had before any court having jurisdiction, and such suits shall be governed in same

manner as other like suits. The town council shall keep a regular record of all proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor, and the same shall be of the force and effect of a record, and a copy thereof, duly certified by the clerk, shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open to public inspection. Keep record of proceedings.

SEC. 9. *Be it further enacted*, That the marshal shall have in said town all the powers of constable and shall be entitled to all the fees of such officer. He shall execute orders, notices and process of the board and of the mayor, and may arrest without warrant for all violations of town ordinances committed in his presence, but for all other violations of said ordinances arrests must be made with warrant; he shall perform such other duties as board may prescribe. Marshal's powers.

SEC. 10. *Be it further enacted*, That the mayor and aldermen of said town shall have full and complete powers:

1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject to carry out the powers herein granted and for the good government and order of said town as they may think proper, and generally and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of power, to ordain and pass such ordinances and by-laws not inconsistent with the laws of the State, as shall be needful for the government, police, interest, welfare and good order of said town; and to affix thereto such penalties for violations of the same by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the town not exceeding thirty days, and all persons convicted of any breach of by-laws or ordinances of said city, failing to pay or secure such fine, may be imprisoned for such failure or placed at hard labor for the city, until such fine and costs are paid in such manner as board may direct, not longer than thirty days; *Provided*, that any person shall have the right to give a stay-bond with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same; but if, after such bond and security, such fine and cost be not paid in thirty days, execution to collect the

Board to make by-laws and ordinances.

same may be issued against the obligators in said bond. Board may pass all needful laws to compel persons to work in streets or elsewhere in the town who refuse to work under mayor's sentence for violating any city ordinance.

Contagious diseases.

2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town, and to preserve the health thereof, to establish and regulate quarantine in said town and within two miles thereof, and punish any breach of quarantine law.

Nuisances.

3. To prevent and remove all nuisances at expense of persons causing the same or on whose premises the same may be found, to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of owners of the same when they fail or refuse, upon reasonable notice, to remove, or repair or renovate such houses and structures.

Licenses.

4. To license, tax, regulate or restrain theatrical and other amusements, selling, retailing or giving away vinous, spirituous, malt or intoxicating liquors or beverages; *Provided*, that the corporate authorities shall not have power to license sale of said liquors which any general or special law prohibiting such sale is in force in Etowah county, and any and all liquors brought into said town of Attalla, or made or kept there for sale in violation of law, shall be subject to seizure and forfeiture under such rules and regulations as may be lawful that may be prescribed by the corporate authorities.

To restrain or prohibit gambling, etc.

5. To restrain or prohibit gambling, gaming houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting and anything else hurtful to the good order and morals of society, and all misdemeanors and all gambling implements and devices of any kind shall be subject to seizure and forfeiture under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Attalla or made or kept or found there to be used for purposes of gaming.

To divide into wards.

6. To divide the town into wards and to regulate and change the same.

7. To establish, regulate and control markets, market

houses and to pass by-laws for the sale of meats, vegetables and other like articles within certain places and within certain houses.

8. To open, locate, establish, repair and regulate streets and alleys and to change, alter or abolish and vacate them or any part or parts thereof—to establish avenues, pavements, sidewalks and curb and grade them and regulate the same, and to make all salutary by-laws with respect to the use of the streets. Open streets.

9. To regulate and control running of cars or locomotives on or across streets, avenues or alleys of the town, and to control the speed of such cars and locomotives in said town. Meeting of cars

10. To pass all necessary and proper laws for the arrest, without a warrant, of all offenders against the town ordinances or State laws and to confine such persons until tried, convicted or discharged by law. Arrest without warrant.

11. To pass laws and ordinances in relation to auctioneers plying their vocation on the streets and to prescribe and regulate the same, and to regulate pawn-brokers. Street auctioneers, etc.

12. To make and ordain all necessary laws concerning paupers, prostitutes, gamblers, disorderly or vicious persons, in correcting or restraining their vicious habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for a reasonable time—or upon their failure or refusal to give such bond and security for their condemnation to hard labor for the town for a limited time, not exceeding thirty days. Paupers and vagrants.

13. To punish all persons who obstruct the marshal or other officer in the arrest of any person in said town, or in the lawful discharge of any duty in said town, and to punish any and all persons who, when called upon to aid in arresting any person, shall fail to give such aid. Punish persons obstructing the marshal in discharge of duty.

15. To have and exercise full police powers in said town, to prevent crime and arrest offenders—to protect the rights of persons and property—to preserve the public peace, and for this purpose may command the aid and assistance of the sheriff of Etowah county whenever the mayor or the board may deem the same necessary. Police powers.

Sec. 11. *Be it further enacted*, That the mayor and aldermen may levy and collect each year upon all real and personal property, and all subjects of State taxation, Levy and collect taxes.

within said town, except the subjects enumerated in section 369, Code of Alabama, and except the tax levied on polls, a tax not exceeding one-half of one per centum of the value of such property, or subjects of taxation, as assessed for State taxation during the year preceding that for which said mayor and aldermen may assess and lay the tax above provided for.

**Assessment.** SEC. 12. *Be it further enacted,* That the taxable property of each tax payer, and the subjects of taxation on which he is taxable, and the amount or value of each item thereof as valued by the assessor of Etowah county for the preceding year mentioned in section eleven shall be ascertained and fixed by aforesaid tax assessor's books of such year, made by him under the requirements of the law of Alabama, and any supplemental assessment that may have been made by him for such year, all corrected as provided in section four hundred and thirty, Code of Alabama.

**Assessor's book corrected.** SEC. 13. *Be it further enacted,* That said mayor and aldermen shall cause a copy of such tax assessor's books corrected as aforesaid for such preceding year, to be made and entered in a bound book properly prepared for the purpose; but when the property or subjects have changed owners since said assessments were made on it by said tax assessor, said copy shall be so corrected as to show its true owner at the commencement of the year for which the tax provided for in this act is to be laid and so as to show against whom the tax on each is laid. If the property has, since such assessment, been destroyed or greatly damaged by fire or other cause, this shall also be noted, with the estimated amount of damage.

**Correct'd book fil'd with clerk.** SEC. 14. *Be it further enacted,* That as soon as the book provided for in the preceding section is made and corrected, it shall be filed with the clerk of said board where it shall remain for twenty days open to public inspection, and notice of that fact shall be immediately given by said clerk, by the publication of a notice to the effect for ten consecutive days, in some newspaper published in the city of Gadsden. Any person charged in said book as the owner of any property or subjects of taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall within said twenty days file with said clerk his affidavit to that effect, and if he knows who the

owner is shall state the facts, or that he does not know. Any tax payer may also file objection as to the correctness of said book, as a copy of the aforesaid books of the tax assessor of Etowah county designating wherein such copy does him injury. Upon notice by the clerk that such objections have been filed, said mayor and aldermen shall meet and hear and determine all such objections and correct said book accordingly. And their decision on such objections and as to all corrections to be made, shall be final. Said board may also of their own motion, correct any errors of ownership as aforesaid, but in no event shall it change such valuation, except in cases of deterioration provided for in the preceding section. Said mayor and aldermen shall continue its session from day to day until all objections so filed are disposed of and no longer.

Objections.  
Decision of  
board final.

SEC. 15. *Be it further enacted*, That a majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days, said board shall lay and levy for the current year the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book mentioned in sections 13 and 14 of this act, corrected as aforesaid.

Quorum.

SEC. 16. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes the said town of Attalla shall have a preferred lien over all encumbrances and securities whatsoever, except county and State taxes, and all taxes assessed against the property of any person or persons under this act, or for which such persons may become liable for the current year, shall be a lien upon the real and personal estate of such persons within said town of Attalla, from the first day of January of that year, or if brought into the town after that time, the lien shall attach from the time it is brought in.

Taxes levied to  
have effect of  
judgment.

SEC. 17. *Be it further enacted*, That after the taxes shall be so fixed and levied, the mayor of said town shall certify the same at the end of said tax-book and append thereto his warrant directed to the person authorized to collect taxes for said town of Attalla authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax-book and warrant to said person

Mayor's certificate and warrant to collect-or.

so empowered to collect taxes for the town of Attalla, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper published in Attalla or Gadsden that he is ready to receive payments of the taxes so levied.

SEC. 18. *Be it further enacted*, That after thirty days have elapsed from the first publication of such notice, the said collector of taxes, or his deputy, shall make personal demand upon delinquent tax payers, wherever they may be found, for the amount of their taxes and costs; whenever unable to find them, shall leave a written or printed notice at the place of residence of such tax payers requiring them to come forward and pay such taxes and cost immediately, and for giving such notice the tax collector shall collect fifty cents; and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the collector of taxes at his office.

SEC. 19. *Be it further enacted*, That the collector of said tax shall be charged with and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that the amounts unpaid could not have been collected by the exercise of the means given him.

SEC. 20. *Be it further enacted*, That all taxes laid under this act which are not paid at the end of ninety days from the first publication of the notice required in this act, shall be in arrears and delinquent from that date. Upon all taxes paid in advance of such date, an abatement shall be allowed of one-half of one per centum per month on the amount of such tax, for each and every month so paid in advance, and upon all delinquent and unpaid taxes on the aforesaid date a penalty of one-half of one per centum per month on the amount thereof, on the first day of each month subsequent to such date, to all of such taxes as may then remain delinquent and unpaid, to be collected as such taxes are authorized to be collected.

SEC. 21. *Be it further enacted*, That after the expiration of ninety days from the first publication of the tax collector's notice aforesaid, the tax collector may levy upon and seize any personal property, if any there be, and if there be none or not sufficient personal property, then upon the real estate of such delinquent tax payers; *Provided*, that a failure to levy on and sell any personal

Collector to  
make personal  
demand.

Fees.

Collector's du-  
ties.

Payment of  
taxes.

Collector may  
levy and sell.

property for taxes shall not vitiate the sale of real estate of any such delinquent tax payer and the costs of such sale, and no personal property so sold for taxes shall be subject to redemption. But when real estate is levied on, notice of the sale shall be given two days before the day of sale in some newspaper published in Gadsden or Attalla. The land may be described by such numbers and abbreviations as will clearly indicate the property to be sold. Sale shall be in town of Attalla, to commence on day indicated in the notice, and sale may be continued from day to day until completed.

SEC. 22. *Be it further enacted*, That at all sales by the tax collector of property for taxes, he shall attend and bid off for the town of Attalla, as purchaser, all the lots and land on which the tax collector cannot get a bid from other persons for the taxes and expense of sale, and the town of Attalla shall have a certificate of purchase, and vested with all the title to the property so bought in, subject to redemption hereinafter provided. When any real property shall be sold by the tax collector for the non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect: I, —, tax collector of the town of Attalla, do hereby certify that the town taxes for the year — (or the particular tax or assessment, as the case may be,) amounting in all to — dollars, being due and unpaid by (A. B.) the owner or agent therefor, I have this day sold for the payment of taxes due by said (A. B.) and for the collection of costs and levy of sale to (C. D.) who has paid the amount of taxes due as above, the following piece, parcel or lot of land lying in the town of Attalla and bounded and described as follows (insert description): By virtue of the power given me by law, I hereby authorize said (C. D.) to have and to hold the above described land and tenelements until the same shall be redeemed according to law. In witness whereof, I have hereunto set my hand and affixed the seal of this corporation, this — day of —, 18—. Tax collector. Any real property sold under the provisions of this act may be redeemed by the owner, or any person interested therein, within two years after said sale, by paying to the town of Attalla the amount of purchase-money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall re-

May bid for city.

Certificate of payment.

Redemption.

Certificates of  
purchase to be  
recorded.

Redemption  
deed.

ceive a certificate of redemption therefor. It shall be the duty of the city tax collector to keep in his office in a book provided for that purpose, and conveniently indexed, a record of all certificates of purchase issued by such tax collector; and when real estate shall be redeemed, as herein provided, it shall be such tax collector's duty to note such redemption on such record; and when the purchaser, or his assignee, shall demand the money paid on such redemption, he shall pay the same to him upon the surrender of the certificate of purchase, and upon his failure to do so said tax collector and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, amounts paid and by whom redeemed, and such certificate shall be *prima facie* evidence of the facts herein stated. Said tax collector shall make such reports of redemption as said corporate authorities may require. After the expiration of two years from date of sale, the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of real property sold and unredeemed, and deliver the same to purchaser or his assignee upon return of certificate of purchase, payment of all subsequent taxes on the property and one dollar for the deed, but any number of parcels of real property for which one person may hold purchase certificates may be included in one deed, as may be described purchaser. Such deed shall be signed by tax collector in his official capacity and acknowledged by him before some officer authorized to take acknowledgements, and when thus executed and recorded shall vest in grantee all rights, title and estate of former owners, free from all encumbrances made or suffered by them (except State and county taxes). Such deeds shall be *prima facie* evidence in all courts of this State in all controversies and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in such deed of regularity of all proceedings in assessment and sale of said property required in this act, and of the title of the grantee, his heirs and assigns, chapter 2, part 1, title 7, Code of Alabama, or any part of such provisions, or the collection of such

taxes by the town of Attalla, so far as the same will apply, and shall have the same rights to sell property and make titles to property sold for taxes as is provided for collecting State and county taxes; and said corporate authorities in adopting such provisions shall, by adopting ordinance, declare which of such provisions they adopt, and in such ordinance they may change the provisions so far as to substitute its tax collector for that of the State and county, and so as to adopt the provisions relative to State and county taxes to the collection of the taxes herein authorized; the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt; *Provided*, that this mode of collection shall not prevent collections of such in any other manner herein provided.

SEC. 24. *Be it further enacted*, That the mayor and aldermen of Attalla beside the tax heretofore authorized, License tax. have the authority to assess and collect from all persons or corporations trading or carrying on any business trade or profession by agent or otherwise in Attalla, a license tax which shall be fixed and declared each year by ordinance, and the licenses so laid shall be issued and the amount imposed shall be collected as may be provided by ordinances of said corporation; *Provided*, that not more than one license tax under this act shall be assessed against or collected from partners trading or business done under a firm name; *Provided further*, that no license shall be exacted from any mechanic who employs no capital, but conducts his trade solely by his own skill and attention without the aid of employees. Said corporate authorities may also by ordinance impose such fines and penalties within the limitations named in this act, as they may deem advisable for the doing of any business or the carrying on of any trade, or the practicing of any profession by any party who shall fail to take out such license as may be imposed by said corporate authorities under this act.

SEC. 25. *Be it further enacted*, That said corporate authorities may require all male inhabitants of said town Work on public streets. who have resided therein ten days, and who are between the ages of eighteen and fifty years, to work upon the streets of said town for at least five days in each year, under such officer as board may appoint; *Provided*, that any person so required to work may relieve himself from

so working by paying into the city treasury a sum not more than five dollars; *Provided further*, that the inhabitants of said town shall be exempt from road duty outside the limits of said town.

**Duty of officers** SEC. 26. *Be it further enacted*, That it shall be unlawful for any officer of said town directly or indirectly to make or enter into with the authorities of said town, any contract for work or service, or for material or supplies, and any such contract shall be void; nor shall any officer or person charged with the collection of taxes, licenses or dues for said town, deal or traffic in any manner in any claim, warrants or liability against said town, unless it be to dispose of warrants that may have issued directly to any such person; and any person violating this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than one hundred dollars.

**Present charter repealed.** SEC. 27. *Be it further enacted*, That the present charter of Attalla and all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; *Provided*, that no prosecution, suit or claim whatever, pending or to be brought under existing laws shall in any manner be affected, impaired or altered by the passage of this act; and all existing by-laws and ordinances of the town of Attalla adopted in pursuance of law shall be and remain in force until repealed or modified by the mayor and aldermen of Attalla, and all the powers granted by this act shall and must be liberally construed in favor of the power of this town to pass such laws.

Approved February 13, 1885.

No. 273.]

AN ACT

[H. B. 710.]

To authorize the sheriff sales to be made at Eufaula, in Barbour county.

**Sheriff's sales in Barbour co.**

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, that when sales of land or other property levied on by

execution from courts of record, such sales may be made either at the court house or at Eufaula, in Barbour county.

Approved February 13, 1885.

No. 274.]

AN ACT

[H. B. 801.

To subject the building in Gadsden, Etowah county, known as the "Gadsden Public Institute," and the lot of land upon which it is situated, to the extent of one-half an acre, to sale, to pay a mechanic's and material man's lien.

*Be it enacted by the General Assembly of Alabama,*  
That the building situated in Gadsden, Etowah county, known as the "Gadsden Public Institute," and the lot of land upon which it is situated, to the extent of one-half an acre, be, and the same is hereby made subject to sale, for the payment of any claim that may be now due or hereafter due, whether in the shape of an account, note or judgment, that has been contracted or accrued for material to build the same, or for labor of mechanics in and about the construction of said building; *Provided*, all the requirements of Part 3, Title 2, Chapter 6 of the Code of Alabama, have been complied with, to perfect the liens therein specified, or the same have been waived in writing by the public school trustee of such school district or township, and said waiver of said requirements was made within the time allowed for filing the statement required by section 3444 of the Code.

Approved February 13, 1885.

To submit to the vote of the people of Shelby county the question of the removal of the court house and other public buildings from Columbiana to Calera, and in case the people decide in favor of such removal, empowering the Court of County Commissioners of said county to erect the court house and other public buildings at Calera, and authorize said court, in order to raise means for that purpose, to issue bonds of said county upon certain conditions therein mentioned.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That whenever fifty freeholders and householders shall petition in writing the probate judge of Shelby county, State of Alabama, asking that an election be holden for the purpose of permanently locating the court house of said county, it shall be the duty of said probate judge to order an election for the purpose herein named, within forty days from the filing of said petition; *Provided,* the petitioners, at the time of the filing of said petition, deposit with the probate judge of said county a sufficient sum of money to pay the necessary expenses of holding the said election, which said election shall be held only once under this act, said sum of money not to exceed the amount expended in the August, 1884, election, in said county; "*Provided further,* that the petition herein provided for shall be filed with the probate judge of said county on or before the 1st day of August, 1885."

Permanent location of Shelby court house.

Probate judge to order election

**SEC. 2.** *Be it further enacted,* That it shall be the duty of the sheriff of Shelby county, on the day appointed by the probate judge as required in the preceding section, having given thirty days' notice by advertisement as required by law in general elections in this State, to cause the polls to be opened and an election held at the different election precincts in said county, which shall be conducted in all respects as elections for members of the General Assembly. The managers and clerks shall be appointed as they are at other elections, and shall each take the oath prescribed for managers and clerks at general elections, and shall be subject to like penalties for a violation of any of their duties. The returns of said election shall be made to the same persons,

Sheriff to give notice.

Election officers.

and in the same manner as the returns of other elections are required to be made by the election laws of this State, and upon the coming in of said returns it shall be the duty of the board of supervisors to count, compare and add up all the votes polled; and if it shall appear that either place voted for shall have received a majority of all the votes polled, they shall declare such place the permanent seat of justice for Shelby county.

SEC. 3. *Be it further enacted*, That no person shall be eligible to vote in said election who is not legally authorized to vote for members of the General Assembly, and any person voting illegally at said election shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars, nor more than five hundred dollars, and may be imprisoned in the county jail not exceeding 10 days, at the discretion of the court trying the same; and said election may be contested by any elector in said county, for fraud, gross mismanagement, or illegal voting, in the same manner as near as may be, as such consists in elections for judge of probate are now conducted.

SEC. 4. *Be it further enacted*, That any person offering to vote in said election not known to be a qualified elector may be challenged by the returning officer or any qualified elector; *Provided*, that such election shall not be delayed by such challenge, but that the inspectors shall proceed to receive other votes until the oath as hereinafter provided is being administered by one of the inspectors.

SEC. 5. *Be it further enacted*, That when any person offering to vote in said election is challenged, if his ballot is not withdrawn, one of the inspectors or managers must administer or tender him the following oath: "You do solemnly swear that you are twenty-one years of age or upwards, that you are a qualified elector under the laws and constitution of the United States and of this State; that you have resided in the State twelve months next, and in this county three months next, and in this precinct thirty days next preceding this election, and that you have not voted at this or any other precinct this day." And upon such oath as aforesaid the ballot of such person shall be received and deposited as in other cases.

SEC. 6. *Be it further enacted*, That any person wil-

Fraudulent  
oath.

fully or corruptly taking this oath, the same being false, shall be deemed guilty of perjury, and on conviction thereof, shall be punished by imprisonment in the penitentiary for no less than two, nor more than five years, at the discretion of the jury trying the same.

SEC. 7. *Be it further enacted*, That if any person offering to vote refuses to take the oath prescribed by preceding section of this act, his vote shall be rejected.

Columbiana &  
Calera only in  
nomination.

SEC. 8. *Be it further enacted*, That the town of Columbiana and the town of Calera, shall alone be in nomination, and the place receiving a majority of the votes cast shall be the permanent seat of justice for said county. Each voter shall have printed or written upon his ticket "Columbiana" or "Calera."

Failure of offi-  
cer to perform  
duty.

SEC. 9. *Be it further enacted*, That any officer or person who shall fail or refuse to perform any duty by this act enjoined, either in ordering, opening, holding, managing or returning said election, or who shall do any act or thing whereby the object of this act shall be defeated, such officer or person shall be deemed guilty of a misdemeanor, and on conviction thereof be fined not less than one hundred dollars, and may be imprisoned in the county jail not exceeding twenty days, at the discretion of the court trying the same.

In event Cal-  
era has majority

SEC. 10. *Be it further enacted*, That if at said election it shall appear that Calera has received a majority of all the votes cast, then and in that event Hon. W. R. Cobb, John W. Pitts, Henry Wilson, B. B. Warren, John S. Starrs, J. H. Greene and J. E. Densler be and are hereby appointed commissioners, whose duty it shall be and they are hereby authorized and required to purchase and receive by donation a fee simple title to and in any lots and lands in said town of Calera, so as to vest the title in the county of Shelby, whenever a court house and county jail may be erected as hereinafter provided.

Commissioners  
to erect a court  
house.

SEC. 11. *Be it further enacted*, That in event the town of Calera is declared the permanent seat of government seat of justice for the county of Shelby under said election, then and in that event it shall be the duty of the court of county commissioners for said county to cause to be erected upon the lot or lots selected by the commissioners mentioned in the 9th section of this act a suitable court house and county jail, at as early a day thereafter as practicable, and as soon as said new court

house is completed, all books, papers and public records belonging to the offices of the clerk Circuit Court, judge of probate, sheriff, and register in chancery of said county shall be transferred from Columbiana to Calera, and until said court house is completed, the terms of the court may be held at Columbiana.

SEC. 12. *Be it further enacted*, That in the event the permanent seat of justice of said county is removed to Calera, then it shall be the further duty of the court of county commissioners for county to sell at public outcry or at private sale, as they may deem best for the interest of said county, all the lands belonging to said county located in the town of Columbiana, and the proceeds of the sale to invest in the public aforesaid in the town of Calera, and the same commissioners are hereby authorized and empowered to execute a deed conveying the titles of said county to said lands, to the purchaser or purchasers thereof; *Provided*, that nothing in this act shall prevent said commissioners court of said county from removing any of said property to Calera or using the same in the erection of such court house or public buildings.

Sale of county land in Columbiana.

SEC. 13. *Be it further enacted*, That in order to procure the means to carry out the objects of the tenth section of this act, the Commissioners Court for said county shall authority and are hereby authorized, empowered and required to issue bonds of the county of Shelby to an amount not exceeding—thousand dollars or as much thereof as they may deem necessary for the purposes aforesaid, payable at such time or times as said Court may agree upon, not exceeding ten years from date of issuance, with coupons attached bearing interest at the rate of seven per cent. per annum, payable to bearer and receivable in payment for all county taxes. “Said bonds shall not be sold below par.”

Commissioners authorized to issue bonds.

SEC. 14. *Be it further enacted*, That the bonds issued under the provisions of this act must be made payable at such place as the Court of County Commissioners may agree upon, and shall be negotiable and may be issued in the sum or sums of fifty dollars.

Bonds payable.

SEC. 15. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall not be valid until the same have been signed by the county treasurer and countersigned by the judge of probate and the seal to the county affixed thereto, and the

Signed by probate judge.

Exempt from  
taxation.

county is required to keep a correct record and account of all bonds issued and disposed of under the provisions of this act.

SEC. 16. *Be it further enacted*, That the bonds issued in accordance with this act shall be exempt from the tax on sales and all county taxes of Shelby.

Commissioners  
authorized to  
do all things  
needful.

SEC. 17. *Be it further enacted*, That the Commissioners Court of said county are hereby authorized to do any and all things authorized under the provisions of this act which may be necessary to carry out the powers granted by this act, either through themselves or any agent or agents duly appointed by them for that purpose at any term of said court, whether regular or special, and if done at a special term of said Court its proceedings be as valid to all intents and purposes as if done at a regular term. And no technical informality, irregularity, neglect or omission in the proceedings or records of said Court shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Authority to  
levy tax.

SEC. 18. *Be it further enacted*, That in order to meet the interest upon said bonds as it falls due, and the principal at maturity, the said Court of County Commissioners are hereby authorized and required to levy a special tax from time to time, upon all the property, licenses and business subject to a State tax under the revenue laws of this State, situated or located within the limits of said county.

Approved February 13, 1885.

No. 276.]

AN ACT

[H. B. 896.

To amend an act to preserve order at the Rutledge camp ground, in the county of Crenshaw ; Hill Chapel camp ground, in Montgomery county, and at Healing Springs, Washington county, approved March 1st, 1881.

*Be it enacted by the General Assembly of Alabama*,  
To amend act  
relative to Hill  
Chapel & Rut-  
ledge camp  
grounds. That an act entitled an act to preserve order at the Rutledge camp ground, in the county of Crenshaw, Hill Chapel camp ground, in Montgomery county, and at Healing Springs, Washington county, approved March

1st, 1881, be and the same is hereby amended so as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person, or persons, to sell, give away, or otherwise dispose of any malt, vinous, or spirituous liquors of any kind whatever within one mile of Rutledge camp ground, in Crenshaw county, Alabama, or of Hill Chapel camp ground in Montgomery county, or of Healing Springs, Washington county.

SEC. 2. *Be it further enacted*, That the board of trustees of said Rutledge camp ground, and the board of trustees of Hill Chapel camp ground, respectively, and the *bona fide* tent holders of said camp grounds, respectively, shall have the right to pass such rules and regulations as they may deem proper to preserve order and to regulate or prohibit the sale of confections and lemonade, or to regulate or prohibit the vending of any article whatever, within one mile of said camp grounds, respectively, during the time of service, at either of said camp grounds. Rules and regulations.

SEC. 3. *Be it further enacted*, That the *bona fide* tent holders of said Rutledge camp ground, and said Hill Chapel camp ground, respectively, shall have the right to appoint a marshal, or policeman, whose duty it shall be to enforce the laws of said camp grounds, respectively. Right to appoint policeman.

SEC. 4. *Be it further enacted*, That the *bona fide* tent holders of each of said camp grounds shall have the right to appoint a suitable person as intendant of such camp ground, whose duty it shall be to enforce the laws of said camp grounds, respectively. Intendant.

SEC. 5. *Be it further enacted*, That any person violating any law, or by-law, of either of said camp grounds, shall, upon conviction be fined not less than one nor more than ten dollars, or be imprisoned, at the discretion of the intendant, not exceeding forty-eight hours. Penalties for violation.

SEC. 6. *Be it further enacted*, That any person violating section one of this act is guilty of a misdemeanor, and shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, at the discretion of the court or jury trying the same.

Approved February 13, 1885.

No. 277.]

AN ACT

[H. B. 967.]

To authorize the Court of County Commissioners of Cherokee county to have a survey made of said county.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That the Court of County Commissioners of Cherokee county, be and they are hereby authorized to employ a competent surveyor, or surveyors, and such help as may be necessary, for the purpose of making a survey of said county, to establish and locate the boundary lines and to determine the area of the same.

Commissioners  
of Cherokee co.  
to have survey  
made.

Map.

**SEC. 2.** *Be it further enacted,* That after said survey is made, the said surveyor, or surveyors, shall make and file a draft or map of said county, in the office of the probate judge of said county.

Payment.

**SEC. 3.** *Be it further enacted,* That said Commissioners Court, after such survey is completed, and said map or draft is made and filed, shall draw a warrant on the treasurer of said county in favor of said surveyor and his help for pay for said services, which said treasurer shall pay out of any money in the county treasury not otherwise appropriated; *Provided,* that said surveyor and his help shall only be entitled to so much *per diem* as is usually allowed for such services.

Notice given.

**SEC. 4.** *Be it further enacted,* That said Court of County Commissioners shall cause notice of the time of said survey to be given to the several probate judges of the adjoining counties.

Approved February 13, 1885.

No. 278.]

AN ACT

[H. B. 969.]

To establish and define the boundary lines of Spring Hill School District, Pike county.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That a school district be made and established, embracing that part of the territory of Pike county from the line of Coffee county north, lying and being between White Water Creek from the Coffee county line north to the junction of White Water Creek and Walnut

Boundary lines  
of Spring Hill  
school district,  
Pike county.

Creek, thence on the line of the channel of Walnut Creek north to the north line of section 35, township 9, range 21, on the east; and Big Creek from the Coffee county line north to the north line of section 31, township 9, range 21, on the west. Said school district to embrace all the territory between the said creeks from the Coffee county line north to and embracing all that portion of sections 31, 32, 33, 34 and 35, township 9, range 21, lying between said creeks, and all that portion of township 8, range 21, lying west of White Water and Walnut Creeks, and all that portion of township 8, range 20, lying east of Big Creek. Said school district, as above described, to be known as Spring Hill School District, Pike county.

Approved February 13, 1885.

No. 279.]

AN ACT

[H. B. 770.

For the relief of H. J. Sanders, as executor of Joseph W. Allman, dec'd, of Greene county.

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That the sum of one hundred dollars, paid by H. J. Sanders, as executor of Joseph W. Allman, dec'd, of Greene county, on the 1st day of September, 1884, to the State, for license as a retail liquor dealer at Eutah, in said county, be, and the same is hereby refunded to said Sanders as such executor, and the auditor is required to draw his warrant upon the treasury in favor of said Sanders for the same. Relief of H. J. Sanders.

SEC. 2. *Be it further enacted*, That the county treasurer of Greene county be, and he is hereby required to refund to H. J. Sanders, as executor of Joseph W. Allman, dec'd, the sum of fifty dollars, paid by said Sanders as such executor, to said county, for license as a retail liquor dealer in Eutah, in said county, on the 1st day of September, 1884, taking his receipt therefor; and said treasurer shall be allowed credit for said sum when paid, on the settlement of his accounts as such treasurer.

Approved February 14, 1885.

No. 280.]

AN ACT

[H. B. 986.]

To require the tax commissioner of Pickens county to collect the State and county taxes of Pickens county due and uncollected prior to the passage of the act providing for the appointment of a tax commissioner for the said tax district composed of Pickens county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the tax commissioner of Pickens county be, and he is hereby required to collect and pay over according to law the State and county taxes due and uncollected prior to the appointment of said tax commissioner, as well as any and all taxes hereafter assessed by said commissioner, and he is hereby required to collect and pay over the uncollected taxes heretofore assessed and not collected, and which are now due the State and county for the year 1881, according to law in such cases made and provided under the same pains and penalties now provided by law, and shall pay over said taxes due, to the State and to the county treasurer of Pickens county according to the manner now prescribed by law for the paying over State and county taxes, and his bond shall be liable for any default on his part for failing or refusing to collect and pay over said taxes heretofore assessed and not collected. Said commissioner shall receive the same compensation as is now provided by law for such services.

Approved, February 14, 1885.

No. 281.]

AN ACT

[S. 284.]

To authorize the mayor and aldermen of Birmingham to negotiate a loan for drainage and for sanitary purposes, and to issue bonds for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporate authorities of the city of Birmingham, in the county of Jefferson, be, and they are hereby duly authorized and empowered to borrow and expend not exceeding the sum of thirty thousand dollars, for the purpose of, and to be expended and applied ex-

Mayor and al-  
dermen of Bir-  
mingham au-  
thoriz'd to bor-  
row money.

clusively to the proper and necessary drainage of said city, and for sanitary purposes.

SEC. 2. *Be it further enacted*, That in payment of said sum, and to carry out fully the power and authority granted in section one of this bill, the said corporate authorities be, and they are hereby fully authorized to issue bonds of the said city in amount not exceeding thirty thousand dollars, to be known and designated as "sanitary bonds," with coupons attached, signed and numbered to correspond with said bonds, showing the amount of interest and when payable. Said bonds to run not longer than twenty years, redeemable at the option of the city after ten years, and to bear interest at not more than eight per cent., to be issued in such form and manner as the board may direct, and in sums of not less than five hundred dollars; and *Provided further*, that none of said bonds shall be sold or hypothecated by said corporate authorities for less than ninety cents in the dollar.

May issue bonds.

Redeemable.

SEC. 3. *Be it further enacted*, That to meet the interest and principal at maturity upon any or all of the bonds issued under authority of this act, the said corporate authorities shall, and it is hereby made their duty to set apart out of the general revenues of said city, each year, an amount as a sinking fund to meet and pay off the principal and interest upon said bonds at maturity, and to retain the same.

Payment of bonds and interest.

SEC. 4. *Be it further enacted*, That said corporate authorities shall have power and authority to do and carry out fully, all the powers granted in this act, either by themselves or by their agents, duly by them appointed. And no technicality, informality, neglect or omission in the proceedings of said board, or the records thereof, shall, in any way affect the validity of said bonds or coupons issued under this act, or any rights of the purchasers of the same, but said bonds and coupons shall have all the properties and protection of commercial paper, and said bonds and coupons shall be receivable for all dues to said city.

Full powers.

Receivable for taxes.

SEC. 5. *Be it further enacted*, That all bonds issued under this act, shall be sold only for cash, and the money raised by the sale or negotiation of said bonds shall be paid to the contractors who do the work, and to pay for pipe and other necessary material, and on engineer's services, to pay for which the bonds are issued.

Bonds sold for cash.

Priority of  
bonds.

SEC. 6. *Be it further enacted*, That the bonds herein provided for and those heretofore issued shall have priority over those hereafter issued, and it shall be the duty of said mayor and aldermen of Birmingham to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may be hereafter issued by said mayor and aldermen of Birmingham.

Approved February 14, 1885.

No. 282.]

AN ACT

[H. B. 66.

To extend the time for assessing and collecting the taxes of Walker county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the time for assessing and collecting the taxes of Walker county, for the year 1884, be extended to-wit: That the tax assessor be allowed until the 15th day of November, 1884, to complete his re-assessment, and that the tax collector have until the first Monday in July, 1885, to make his final settlement of the State and county tax for the year 1884.

To extend time  
for assessment  
and collection  
of taxes, Walk-  
er county.

Approved February 14, 1885.

No. 283.]

AN ACT

[H. B. 532.

To amend section 1631 and subdivisions 2 of section 1649 of the code, and sections one and four of an act entitled an act to amend section 1630 of the code, so far as the same relates to the county of Jefferson, and otherwise regulate the workings of the public roads in said county, approved February 23, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to amend section 1630 of the code, so far as the same relates to the county of Jefferson, and otherwise regulate the working of the public roads in said county, approved February 23, 1883, be amended so as to read as follows:

SEC. 1. *Be it further enacted*, That section 1630 of the code of Alabama, so far as the same relates to Jefferson county, be amended so as to read as follows: Public roads in Jefferson co.

§ 1630. Persons exempt from working public roads in Jefferson county.—All females, all male persons under eighteen and over forty-five years of age, all maimed and disabled persons who shall procure certificates of such disability from some licensed practicing physician, and all male persons between the ages of eighteen and forty-five who shall pay to the justice of the peace designated by the court of county commissioners in the precinct in which the road lies, as hereinafter provided, three dollars, are exempt from working on the public roads in Jefferson county; *Provided*, that such payment shall not exempt such persons from work in opening new roads; *and provided further*, that no person shall be liable to work the public roads in said county until he shall have resided thirty days in said county. Who not liable to work.

SEC. 2. *Be it further enacted*, That section 4 of said act be amended to read:

SEC. 4. *Be it further enacted*, That it shall be the duty of the justice of the peace, designated by the commissioner's court, in accordance with section two of this act, to receive the amount of three dollars when tendered by any person liable for road duty in his precinct and to give said person a certificate of exemption from road duty until the second Monday in February following, except the opening of new roads, and shall also keep a book in which he shall enter the amount collected, and from whom collected, and shall pay the same upon the orders of the overseers of the roads as hereinafter set forth, to which said person was assigned to work by the apportioner of said precinct; and the justice is hereby authorized to retain for his services out of the moneys so received by him, fifteen (15) cents for each certificate of exemption issued by him. Certificate of exemption.

SEC. 3. *Be it further enacted*, That section 1631 of the code, so far as the same relates to the county of Jefferson, be amended so as to read:

§ 1631 (1322). *Extent of liability to work*.—No person or hand is liable to work any public road, any part of which is distant more than six miles from his residence; but must work six days in each year not counting the days engaged in opening new roads. Not liable six miles from residence.

SEC. 4. *Be it further enacted*, That subdivision 2 of section 1649 of the code, so far as the same relates to the county of Jefferson, be amended so as to read :

To call out all  
subject to road  
duty.

2. To call out the persons and hands subject to work on their road precinct, at their discretion, and to work with the same six days in each year, and not less than eight hours per day, good and faithful work.

Approved February 14, 1885. .

No. 284.]

AN ACT

[H. B. 652.

To regulate and prescribe the pay of petit juries of Marion county.

Pay of petit ju-  
rors in Marion  
county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the petit juries of Marion county, Alabama, shall from and after the passage of this act, receive the sum of one dollar and fifty cents per day for each day's service as such juror, and five cents per mile in going to and returning from the court house whilst attending as such jurors, to be paid out of the county treasury of said county of Marion on a proper certificate of attendance and number of miles traveled.

Approved February 14, 1885.

No. 285.]

AN ACT

[H. B. 653.

To regulate the compensation of the commissioners of roads and revenue of Marion county, Alabama.

Compensation  
of commission-  
ers of Marion  
county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the commissioners of roads and revenue of Marion county shall receive the sum of two dollars per day for each day's attendance as such commissioners and five cents per mile in going to and from the court house whilst in attendance as such commissioners, to be paid out of the county treasury of said county on a proper certificate.

Approved February 14, 1885.

No. 286.]

AN ACT

[H. B. 668.]

To legalize the manufacture of wine in Clark county from grapes and berries for family use or for sacramental purposes, and not for sale.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall not be unlawful for a person or for persons residing in Clark county to manufacture wine from grapes and berries grown upon the premises of the person or persons who may engage in such manufacture; *Provided,* that the wine so manufactured shall be used exclusively for domestic, that is, family purposes, or for sacramental purposes, and not for sale.

To legalize the manufacture of wine in Clarke county.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

Approved February 14, 1885.

No. 287.]

AN ACT

[H. B. 670.]

To establish a separate school district, to be known as the Cullman School District, in Cullman county, Alabama, and for the appointment of a board of trustees for said school district with certain powers and privileges.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That a separate school district be, and the same is hereby established, as hereinafter provided, in the county of Cullman and State of Alabama, which district shall be composed and consist of all that territory included in sections nine (9), ten (10), eleven (11), fourteen (14), fifteen (15), sixteen (16), twenty-one (21), twenty-two (22) and twenty-three (23) in township ten (10) of range three (3), west.

Sep'rate school district in Cullman county.

Boundaries.

SEC. 2. *Be it further enacted,* That to carry out the purposes of this act, Adam Dreher, A. B. Hays, Julius Dainus, George H. Parker and P. M. Musgrove are hereby constituted and appointed a board of trustees of said "Cullman School District," who shall have power

Trustees.

to purchase, receive, hold and convey for and in behalf of said school district, all such real and personal property as may be necessary or proper for the purposes of said school district, and who shall control the disposition of all funds which may be received by or for said school district. They shall also have power to build suitable school houses, and buy furniture for the same.

Duties of.

SEC. 3. *Be it further enacted*, That, as soon as practicable, after the passage of this act, the said persons hereinabove named, or a majority thereof, shall proceed to organize said board of trustees by electing one of their number president of the board, and by electing some suitable person or persons, whether members of the board or not, as secretary of the board and treasurer of the school district; *Provided, however*, the secretary of the board and treasurer of the district may be one and the same person, if the board shall so elect.

Subsequent boards.

SEC. 4. *Be it further enacted*, That the term of service of the persons hereinabove named as trustees shall be from the approval of this act until the 1st day of October, 1886, or until their successors are appointed and qualified, and their successors and all subsequent boards of trustees shall consist of five persons, who shall be appointed by the Superintendent of Education of Alabama on the 1st day of October, 1886, or as soon as practicable thereafter, and every two years thereafter, who shall likewise hold office for the term of two years or until their successors are appointed and qualified. In case of a vacancy in said board of trustees from any cause, the remaining members of said board shall have power to fill said vacancy for the unexpired term.

Secretary and treasurer.

SEC. 5. *Be it further enacted*, That the terms of service of the secretary and treasurer shall be for two years from the date of their election, but they may be removed by said board of trustees at any time. The board shall require of the treasurer so elected a bond in such amount as may be fixed by them; in no case to be less than double the amount of funds that will be in his custody at any one time payable to said school district, and conditioned to safely keep and to disburse according to law all money which may come into his hands as treasurer of said school district, and to be approved by the president of said board and filed with him. A copy of said bond, certified to by the president of said board, shall be filed

in the office of the State Superintendent of Education of Alabama. The board may require a new or additional bond with other or additional securities, and a different amount, whenever they see proper so to do. The said treasurer shall receive such compensation as may be fixed by said board of trustees, but in no case to be more than two per centum of the money disbursed by him.

Compensation  
of treasurer.

SEC. 6. *Be it further enacted*, That no one but a freeholder resident within said district shall be eligible to be appointed as member of said board of trustees or elected secretary or treasurer thereof. Said trustees and treasurer shall take the oath of office prescribed by law for all officers in this State before entering upon the duties of their offices.

Eligibility of  
trustee.

SEC. 7. *Be it further enacted*, That said board of trustees may meet at such time and places within said district as they may designate, and shall take such measures as may be proper to establish such schools in said district as may be necessary for the accommodation of the youth thereof of each race, to grade such schools, prescribe the text-books to be used therein, employ teachers, and generally to make such rules and regulations for such school district as to them may seem best and not in conflict with the laws of the State. The State superintendent of education shall furnish said board of trustees such books and blanks as are furnished to the county superintendent of education.

Board to make  
rules and regu-  
lations.

SEC. 8. *Be it further enacted*, That said board of trustees shall have power to receive any scholar not living within said district on such terms as they may designate.

SEC. 9. *Be it further enacted*, That the trustees of said district shall receive no compensation as such trustees.

SEC. 10. *Be it further enacted*, That the said school district shall be entitled to receive its proportionate share of all funds raised or appropriated by the State for public schools, and shall also receive its *pro rata* share of the sixteenth section interest accruing to the township of which said school district is composed; and it shall receive all poll tax which may be collected from residents of said school district, and all funds which may be donated to said school district. All funds for said school district shall be paid to the treasurer of the district, who shall receipt for the same, and the superintendent of education

School district  
to receive pro-  
portional share  
of funds.

of the State, or other proper State officer, shall give the necessary orders and instructions and issue the necessary warrants or certificates to secure the payment to said school district of all funds to which it may be entitled from the State or from poll tax, direct to the treasurer of the said school district.

Board may  
levy tax.

SEC. 11. *Be it further enacted*, That the said board of trustees shall have power to levy an annual tax for school purposes, not to exceed one-half of one per cent., and for building purposes and furniture, not to exceed one-half of one per cent. for the first and second years, upon all property, both real and personal, within the bounds of said school district, and the tax assessor of the county of Cullman shall, by direction of said board of trustees, assess said tax, which said assessment shall be collected by the tax collector of Cullman county at the same time, and in the same manner, with the annual State and county taxes, and said tax, when collected, shall be paid to the treasurer of said school district, who shall receipt for the same, less the fees for assessing and collecting, which shall be the same as the legal fees for assessing and collecting the State and county taxes. Said taxes shall become a lien on said property at the time and in the same manner as State and county taxes, as prescribed by the laws of the State.

Taxes a lien.

Annual rep rt.

SEC. 12. *Be it further enacted*, That said board of trustees shall make annual reports to the State superintendent of education the same as required of the county superintendents of education.

Balance pro  
rata.

SEC. 13. *Be it further enacted*, That this act shall take effect from the date of its approval; *Provided*, that any *pro rata* balance remaining in the hands of the county superintendent of education of Cullman county for the scholastic year ending the 30th day of September, 1885, from said township of which said school district is composed, shall be paid to the treasurer of said school district.

SEC. 14. *Be it further enacted*, That all laws or parts of laws in conflict herewith, be and the same are hereby repealed.

Approved February 14, 1885.

No. 288.]

AN ACT

[H. B. 683.]

To amend an act entitled "an act to vacate and annul the charter and dissolve the corporation of the city of Opelika, and to provide for the application of the assets thereof in discharge of the debts of said corporation," approved February 19th, 1883, and to provide for the compromise of its railroad bonded indebtedness.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to vacate and annul the charter and dissolve the corporation of the city of Opelika, and to provide for the application of the assets thereof in discharge of the debts of said corporation, approved February 19th, 1883, be so amended as to read as follows: That the act entitled an act to establish a new charter for the city of Opelika, approved December 12th, 1882, and all other acts incorporating the city of Opelika, or in conflict, or inconsistent with the provisions of this act, be and the same are hereby repealed, and the corporation of the city of Opelika is hereby dissolved; that there is hereby created and constituted a board of commissioners for said Opelika, to be composed of three competent persons, who shall be resident citizens of the district of Opelika, who shall be appointed by the governor, and shall hold their office for the term of two years from the first Tuesday in March, 1885, and until their successors in office are appointed and qualified, unless before the expiration of their said term of office their said office be vacated or otherwise discharged by act of the General Assembly of Alabama.

To amend act  
to vacate char-  
ter of Opelika.

Commis'ioners  
appointed by  
Governor.

SEC. 2. *Be it further enacted*, That before entering upon the duties of their said office, each of said commissioners shall file with the secretary of State of Alabama, an oath by them respectively taken and subscribed before the chancellor of the Eastern chancery division of Alabama, or before any other officer of a court of record authorized to administer oaths (and which shall be entered on the minutes, at rules or in term time, of the Chancery Court for Lee county, in said chancery division, as prescribed in article fifteen of the constitution of this State), and shall enter into such bond and security as the chancellor may prescribe and approve. If any vacancy oc-

Oath and bond  
of comm'rs.

## Vacancies

curs in said office the remaining members or member shall in writing, certify the same to the said chancellor, together with the names or name of a suitable person or persons to fill such vacancy, and if the chancellor approve such nomination such person or persons shall be appointed and commissioned by the governor, and, upon making the required oath and bond, hold and execute his or their office in all respects, as if originally appointed as herein first declared. The non-acceptance, by any person of his appointment under this act, shall be held and taken to be a vacancy within the meaning of this act. If vacancies occur and are not certified to the chancellor as herein provided for in the space of ten days next after their occurrence, it shall be the duty of the said chancellor to fill such vacancy by proper appointment, on information of the fact, verified by the affidavit of two or more credible citizens, and persons so by the chancellor appointed shall, upon making the required oath and bond, hold and execute their office in all respects as if originally appointed as herein first declared.

Commissioners  
to take possession.

SEC. 3. *Be it further enacted*, That said commissioners shall at once enter upon and take possession of all property, real and personal, which, prior to the passage of this act belonged to the city of Opelika, and shall have, demand and receive all the debts of whatsoever kind and character, including all sums of money for taxes, lawfully levied and assessed by the city of Opelika, and which said corporation was entitled to have, demand and receive from any person, company or companies, or corporation or corporations, property or properties, business or employment whatever, and they shall realize and collect all said debts, claims and demands, at as early a day as practicable, and apply the same and proceeds thereof for the uses and purposes in this act declared, but nothing in this act contained shall be so construed to vest in said commissioners with power to lay, levy or assess any tax or assessment upon any property, poll or business or occupation, or to demand, receive or collect any money or other thing from any person or corporation, or from any business or property except such sum or sums of money or amounts as has been lawfully assessed by the said city of Opelika.

SEC. 4. *Be it further enacted*, That said commissioners shall forthwith prepare a list and full description

of the debts and liabilities of all kinds which exist against said city of Opelika, the nature and consideration of the same, when and for what contracted and the form and maturity thereof, with such information as will fully describe and identify all the debts of said corporation existing at the date of the passage of this act. They shall also forthwith prepare full lists and inventories of all the property, real and personal, and all demands, including unpaid taxes, belonging to said city of Opelika of which they may come into possession, or of which they may have knowledge, so as to furnish a detailed information of all assets, which can be applied in payment of the debts in this section mentioned, and also prepare a list and full description of all the debts, liens and rights, which exist, or be alleged against, or upon said property and assets of said corporation or any portion thereof.

List of debts  
and liabilities.

SEC. 5. *Be it further enacted*, That it shall be the duty of said commissioners forthwith, upon their qualification, or as soon thereafter as practicable, by petition in the nature of a bill in chancery, and in any manner conformable to the practice of a court of chancery for the Eastern Chancery Division for instruction and direction in the performance of duties by this act imposed, as trustees seeking the instruction and protection of the court in the discharge of their duties, and they shall become and be officers of said court, and receivers of the property and assets hereinbefore described; and said commissioners shall, in the same matters hereby imposed upon them, be charged with the duties and obligations of receivers in chancery and be subject to said court as such receivers, and, as receivers, shall be entitled to the aid and protection of said court, and from time to time may apply to said court for such direction in the discharge of their duties, as the nature of the case may require. The lists and inventories, as well as statements required to be made out by said commissioners, shall be, by them, presented to and filed in said Chancery Court, and they shall, every six months, and at the beginning of each term of said court make full and explicit statement and report of all of their actings and doings in the premises, under the provisions of this act, and under the orders and decrees of said court, in manner as receivers of said court are required to do; but the fees of the register in

Bill in chan-  
cery.

Invent'y filed.

Chancellor may  
remove commissioner.

chancery for services rendered in connection with this trust shall not exceed in any one year the sum of fifty dollars. But the chancellor may, upon good cause shown, allow an additional reasonable compensation should the services of the register be sufficiently great to justify it. For good cause shown, said court may remove said commissioners from office, and make other appointments in their place, and may, from time to time, require of them reports and statements as from other receivers and managers of property and estates appointed by the court.

Court of chancery  
to take jurisdiction.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Court of Chancery for the sixteenth district of the Eastern Chancery Division of Alabama to take jurisdiction of the application of the assets of said city of Opelika, in discharge of the debts of the said corporation, herein provided for, as trust property, and administer said assets for the benefit of the parties entitled thereto, as trust estates under the rules which obtain in said court in such cases as to parties necessary and proper, and as to the mode of bringing such before the court as parties amenable to its jurisdiction, persons interested in the subject-matter of such proceedings, and therein do and act, and decree as the law, equity and justice may require.

Commissioners  
to take all property  
subject to liens.

SEC. 8. *Be it further enacted*, That said commissioners and receivers shall take and possess all the property of said corporation hereinbefore mentioned upon the said trust and subject to the said liens, charges and duties that the same were under in possession of said corporation; and shall manage and use the same in such manner as in their judgment will best subserve the interest and benefit of said corporation, having a due regard to the rights and interests of others.

To realize as  
soon as possible.

SEC. 9. *Be it further enacted*, That it shall be the duty of said commissioners and receivers to realize as speedily as possible, under the direction of said Chancery Court, all the available assets of said city of Opelika as may come to their hands under the provisions of this act. For this purpose they are, with the approval of said court, hereby authorized to compromise, compound and adjust all debts, claims, demands, including back taxes of every kind, which, at the date of the passage of this act, existed in favor of said corporation, on such terms and

in such manner as, having in view the speedy collection of such outstanding claims and the largest possible reduction of the debts heretofore due from, or now asserted against, said corporation, may seem to them best; and said commissioners, with leave of said court, are hereby authorized to dispose of, on the best terms as to them may seem fit, all property, real or personal, as may come to their hands; but should any of the property herein mentioned be sold on a credit, the title shall not pass to the purchaser until all the terms of the sale are fully complied with. Sale of property.

SEC. 10. *Be it further enacted*, That, for the purposes of this act, said Chancery Court shall be deemed to be always open, and the chancellor may make orders for the administration of the trust, and the instruction of the commissioners and receivers at any time in term time or vacation, and upon ten days' notice by the personal service of parties who can be reached by process of court when notice is necessary. Chanc'ry court always open.

SEC. 11. *Be it further enacted*, That all moneys received by said commissioners, as such, shall be deposited in some bank or banking house in said city of Opelika to the credit of said commissioners as receivers, and shall be so deposited as to be paid out only on the check of the commissioners, countersigned by the register of said court, upon order of said Court of Chancery, but a sufficient sum for current expenses, to be specified by the chancellor, in an order, may be left in bank, subject to the order of said commissioners. Deposits and disbursements.

SEC. 12. *Be it further enacted*, That said commissioners, immediately upon their qualification, shall take possession of all the books of accounts, ledgers, journals or other books of entry, deeds, contracts, books of assessment and tax books of said corporation, and all papers and documents, of whatever description, pertaining to the finances of said city of Opelika, for the purposes of their offices, and the proper discharge of their duties as said commissioners and receivers, by this act, and the orders of said Chancery Court imposed upon them. They may employ a clerk, if the same be deemed necessary, and at said compensation as said commissioners and receivers, with the approval of the chancellor of said Eastern Division, may fix, and such clerk, if appointed, shall give bond in such sum as said chancellor shall de- Compensation of comm'rs.

termine, payable to the State of Alabama, for the faithful discharge of his duties as said clerk; said Chancery Court shall also fix the amount of compensation to be paid said commissioners and receivers for their services out of collections to be by them made from the assets and property hereby confided to them.

Collection of  
taxes due.

SEC. 13. *Be it further enacted*, That for the purposes of collecting all taxes which may be now or hereafter due and owing to said corporation from any source whatsoever, the said commissioners are hereby required and empowered, with the approval of the chancellor of said court, to appoint a tax collector for said city of Opelika, whose duty it shall be at the proper times and in proper manner, to levy, assess and collect the taxes due and owing to said corporation; and such tax collector so appointed shall give bond in such amount as may be fixed by said commissioners and receivers, and approved by said chancellor, for the faithful discharge of his duties as such officer, said bond to be made payable to the State of Alabama. Said tax collector shall make report monthly to said commissioners, and pay the proceeds so by him realized into the bank or banking-house which may be specified for that purpose, in the manner directed in the 11th section of this act.

Tax collector  
to make report  
monthly.

Commissioners  
to make a de-  
tailed state-  
ment at end of six  
months.

SEC. 14. *Be it further enacted*, That said commissioners shall at the end of six months, make a detailed special report to said chancery court of all funds then in their possession, and the source whence received and collected, and therein exhibit what per centage of payment can be made on secured, matured and open matured debts of said corporation, and what reduction, if any, in their judgment can be obtained from the creditors, or any of them, upon payment of money in hand. If upon such exhibitions, said chancery court approve the same, it may authorize partial payments of said matured debt or dividend thereon, to be made from the funds then in hand of said commissioners; and in the absence of agreement by creditors as to per centage they may be willing to accept in discharge of specific portion of said matured debt, said court of chancery shall direct what proportion or dividends thereon from moneys in hand shall be paid to said creditors, respectively, having regard, if practicable, to conditions set out in the next succeeding sections of this act, and said commissioners and receivers shall exe-

cute the order so made, and report to the court the manner in which they have executed the same and present proper vouchers and proofs of their action in the premises.

Sec 15. *Be it further enacted*, That it shall be the duty of said commissioners and receivers, after payment of the necessary expenses of performing their duties as herein declared, and the discharge of liens, if any there be, on money by them collected from said assets and property in debts and claims of said corporation under the direction and supervision of said court of chancery, as provided in the last preceding section, to apply their collections to the payment of the matured debt of said corporation; first, to the matured floating debt now existing and which is part of the necessary municipal expenses created by said city of Opelika in its character of governmental agent of the State, then to the payment of the other matured debt of said corporation; and for this purpose, said commissioners shall periodically, in anticipation of the application to the court of chancery, in the next preceding section directed, when they have money to distribute, by public advertisement for the space of at least ten days, in one or more newspapers most likely to extend the information to parties interested, to give notice of their intended application for leave to make partial payments, and call upon holders of said matured debts to specify at a named time and place, what, if any, discount they are respectively willing to make from the face of their several demands, and thereupon such holders as are willing to make the largest deduction from the said claims they shall be first paid, and so on from time to time, till all the money then on hand from collections heretofore made shall be exhausted; always and at each distribution paying first those who offer to allow the largest discount upon their several demands; always however, appropriating to the holder of secured debts the proceeds arising from property and income, which before the passage of this act, was lawfully pledged for the security of such secured debts.

Sec. 16. *Be it further enacted*, That said commissioners be and the same are hereby authorized and empowered to adjust, compromise and settle the indebtedness of the said city of Opelika arising from bonds issued by said city of Opelika in payment of stock subscribed to

Adjustment of  
city bonds.

the capital stock of railroad companies as hereinafter provided.

Advertise for  
bondholders

SEC. 17. *Be it further enacted*, That it shall be the duty of said commissioners, by advertising or otherwise to ascertain at as early a day as practicable, the holders and owners of said bonded indebtedness, and to request the presentation of all claims of the character aforesaid to them, with the amount claimed. They may also inquire into the consideration alleged to have been paid for said bonds, and how much was realized from the sale of the same, and shall also ascertain all the facts pertaining to the issuance of said bonds, and the manner in which said subscriptions were made and what proceedings, if any, have been had to enforce the collection of the amounts due on said bonds or any part thereof, said commissioners shall further ascertain the total indebtedness of said city of Opelika, bonded or otherwise, as well as the financial condition of the citizens, within the limits of what has heretofore been known as the corporation of said city of Opelika. They shall also ascertain the value of the taxable property within said limits, and when all such facts shall have been ascertained, the said commissioners are hereby authorized to compromise, adjust and settle the said indebtedness of said city of Opelika arising from the issuance of said railroad bonds, upon such terms and in such manner as may be agreed upon by them and the holders and owners of said indebtedness, if a reasonable and satisfactory agreement can be arrived at, and that will be just and equitable to the citizens within said corporate limits, and will not seriously impair the value of their property. But said commissioners shall not compromise, adjust and settle said indebtedness for more than twenty cents on the dollar on the face value of said bonds and the legally due coupons of the same.

Value of taxable property.

Rate of settlement.

SEC. 18. *Be it further enacted*, That where the said commissioners shall have compromised and adjusted said indebtedness in pursuance of the foregoing provisions, it shall be their duty to make and file with the Opelika police board a full and complete report of said compromise and adjustment, embracing among other things the basis of said adjustment, the respective holders and owners of said indebtedness, the rate or rates at which the same was adjusted, the amounts to be paid respectively to said

Report to police board.

holders and owners of said indebtedness, and such other things as may be right and proper.

SEC. 19. *Be it further enacted*, That on the said compromise and adjustment of said indebtedness, and the making and filing of said report with the Opelika police board, then and in that event there is hereby levied a tax of one per cent. per annum on all the taxable property within what is now known as the district of Opelika, to be assessed and collected by the said Opelika police board in the same manner as other taxes are assessed and collected by them for the purpose of paying off and discharging and carrying out said adjustment and compromise.

Police board to levy tax.

SEC. 20. *Be it further enacted*, That in assessing and collecting the said tax levied in section 19 of this act, the said Opelika police board and the tax collector for said board are hereby invested with all the authority and powers to assess and collect the same as they have to assess and collect other taxes within said district of Opelika, and the tax laws in force for assessing and collecting the ordinary taxes for said district are hereby declared to be in full force for the assessing and collecting of said tax levied in said section 19 of this act.

Authority to assess and collect.

SEC. 21. *Be it further enacted*, That this act shall go into effect and become a law on and after the first Tuesday in March, 1885.

SEC. 22. *Be it further enacted*, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed. But said repeal not to go into effect until the first Tuesday in March, 1885.

Approved February 14, 1885.

No. 289.]

AN ACT

[H. B. 730.

To fix the fees of justices of the peace in Lamar county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in the county of Lamar justices of the peace may tax as costs and collect the following fees in civil cases: For services under section 1561 (1276) of the Code, in relation to taking studs and jackasses, to be paid by the owner \$1.00; for all the services in taking up

To fix the fees of justices of the peace in Lamar co.

## Fees.

estrays and making return to the probate judge, to be paid by the taker, \$2.00, and for proving property by the owner and issuing order to restore the same, to be paid by the owner, \$1.00; for order to fence viewers under section 1593 (1289) of the Code, one-half to be paid by each party, \$1.00; for the summons, or notice which begins any kind of civil action, 50c.; for docketing any civil action, to be charged but once, 25c.; for each trial and entering up judgment for less than fifty dollars, 50c.; for trial and judgment for fifty dollars or more, \$1.00; for trial and judgment for any amount in *qui tam* action, \$1.00; for issuing subpoena, for each witness, 25c.; for issuing and taxing costs thereon, 50c.; for entering the return of execution and making settlement on docket, 50c.; for attachment bond, affidavit, and attachment returnable to Circuit Court, and making return, \$2.00; for affidavit for attachment before himself, 25c.; for taking bond for attachment returnable before himself, 50c.; for issuing attachment returnable before himself, 50c.; for taking examination of garnishee, 50c.; for trial and entering judgment against garnishee for less than fifty dollars, 50c., and for fifty dollars or more, \$1.00; for affidavit and summons to garnishee on judgment, 50c.; for taking and approving every bond, 50c.; for transcript on appeal or *certiorari*, and certifying same, \$1.00; for every certificate not otherwise provided for, 25c.; for judgment on forthcoming, stay or replevy bond for less than fifty dollars, 50c., and for fifty dollars or more, \$1.00; for judgment in summary proceedings for less than fifty dollars, 75c., and for fifty dollars or more, \$1.50; for any transcript other than those sent up on appeal or *certiorari*, 50c., and certificate to same, 25c.; for issuing venire, 50c.; for trial of the right of property, \$1.00; for taking and certifying acknowledgment of deeds, for each certificate, 50c.; for issuing *scire facias* and notice in the nature thereof, 50c.; for return to writ of *certiorari* and *supersedeas* other than on appeal, 50c. In forcible entry and detainer, or unlawful detainer, the following fees: For summons or notice, 50c.; for trial, \$2.00; for entering judgment, \$1.00; for writ of restitution, without execution for costs, 50c., and with execution for costs, \$1.00. For the following services: For celebrating the rites of matrimony, \$2.00; for trying garnishment in insolvent tax cases, \$2.00; and for all other services not

herein provided for, such fees as are now or may be hereafter provided by the general laws of the State.

Approved February 14, 1885.

No. 290.]

AN ACT

[H. B. 789.

To regulate the fine and forfeiture fund of Wilcox county and the disposal of moneys arising from fines, forfeitures and convict labor.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That it shall be the duty of the Court of County Revenues of Wilcox county to give notice by advertisement in some newspaper published in the county, and also by posting a notice at the court house, and at the voting place in each beat in said county, notifying all persons holding claims whether registered or unregistered, against the fine and forfeiture fund of said county, to register the same with the county treasurer within sixty days after the first insertion of said advertisement, and if not so registered, said claims shall be forever barred.

Fine and forfeiture fund of Wilcox county

SEC. 2. *Be it further enacted,* That all such claims as have been heretofore registered shall be re-registered, preserving the order of previous registration.

Registration of claims.

SEC. 3. *Be it further enacted,* That the county treasurer of said county shall keep the books of registration, and said book shall show the registration of all claims for which said fine and forfeiture fund is liable.

County treasurer to keep books.

SEC. 4. *Be it further enacted,* That hereafter during the term of the Circuit or the County Court of Wilcox county, no one but the clerk of such Court shall be authorized to collect the fines, forfeitures and costs in State cases during such term, the payment of which must be entered upon the trial docket and upon the minutes of such Court.

Clerk authorized to collect.

SEC. 5. *Be it further enacted,* That it shall be the duty of such clerk to furnish the Court of County Revenues of said county at the regular meeting of said Court in February, April, August and November, a statement of all State cases disposed of at such term and how disposed of, and within fifteen days after each term of such

To furnish a statement.

Pay over to treasurer.	<p>Court, shall render to the county treasurer a list of all the cases upon which costs were collected at such term, stating the kind of funds collected in each case, and shall then and there pay over the same to the county treasurer, and said list must be verified by affidavit.</p>
Penalty.	<p>SEC. 6. <i>Be it further enacted</i>, That such clerk failing to pay all money collected by him belonging to the fine and forfeiture fund as required in section five of this act, shall be liable to five per centum monthly damages for each and every month of such failure.</p>
Duty of treasurer.	<p>SEC. 7. <i>Be it further enacted</i>, That it shall be the duty of the county treasurer, at the regular meeting of the Court of County Revenues in February, April, August and November, to furnish said Court with a statement of all moneys in his hands accruing from fines, forfeitures, convict hire and otherwise pertaining to said fine and forfeiture fund, subject to the order of the Court of County Revenues.</p>
Notice.	<p>SEC. 8. <i>Be it further enacted</i>, That it shall be the duty of the Court of County Revenues of said county, on the second Monday in February, April, August and November, each year, if there are funds in said fine and forfeiture fund, to advertise for three successive weeks previously, in some newspaper published in the county and by posting a notice at the court house, and at the voting place in each of the beats in said county, notifying all persons holding registered claims against said fund that sealed bids will be received until, and on such Monday until 12 o'clock, for the same, and shall state in said advertisement the amount of the fund on hand and the amount of registered claims against said fund outstanding and unpaid; and the money shall be awarded to the bidders who propose to accept payment in full of their claims against said fund at the highest rate of discount; and should there be two or more bidders at the same rate of discount, and the funds are not sufficient to pay all of them, the money shall be awarded to such claims in order of their registration, beginning with the oldest.</p>
Amount of fund and claims.	<p>When the biddings are closed and the money awarded, the probate judge, under the direction of the Court of County Revenues, shall issue warrants upon said fund to the persons entitled thereto, upon receipt and surrender of their claims, or a proper voucher if the claim is not paid in full.</p>
Biddings.	

SEC. 9. *Be it further enacted*, That after the passage of this act, all fines, forfeitures and hire of convicts or anything pertaining to said fine and forfeiture fund, shall be paid only in lawful currency of the United States and in nothing else, and all moneys which accrue to said fund in said county and which may be collected by any sheriff, clerk, judge of probate, notary public, public constable, coroner, or other officer, shall be paid to the county treasurer, and any officer who collects any such moneys, and willfully fails for more than sixty days to pay the same to the county treasurer, shall be guilty of a misdemeanor.

Paym'ts to be  
in lawful cur-  
rency.

SEC. 10. *Be it further enacted*, That all laws and parts of laws, in conflict with this act, be and the same are hereby repealed.

Approved February 14, 1885.

No. 291.]

AN ACT.

[H. B. 790.

To legalize the acts of J. N. Holcombe, as treasurer of Wilcox county, in paying out the money heretofore accruing from the hire of convicts for the use of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the acts of J. N. Holcombe, as treasurer of Wilcox county, in paying out on warrants of the court of county revenues, money received by him as such treasurer from the hire of county convicts, in settlement of the indebtedness against the general fund of said county, be and the same are hereby declared to be legal, and he is hereby relieved from all liability for the same.

Treasurer of  
Wilcox co.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 14, 1885.

To extend the time of payment of the first installment of amount due by Tallapoosa county under an act to authorize the investment of certain revenues in the adjustment and settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa, incurred on account of stock subscribed to railroad companies, approved February 15, 1883.

*SECTION 1. Be it enacted by the General Assembly of Alabama,* That section 6 of an act entitled an act to authorize the investment of certain revenues in the adjustment and settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa, incurred on account of stock subscribed to railroad companies, approved February 15, 1883, be amended so as to read:

To extend time  
of payment in  
Tallapoosa cc.

Special tax.

*SEC. 6. Be it further enacted,* That for the purpose of refunding the State tax hereby appropriated, if the same shall be used, there is levied by virtue of the provisions of this act, in addition to the regular State tax levied under general law, and to meet the indebtedness of said counties respectively to the State, an annual tax of one-fourth of one per centum on all taxable property, real and personal, in said counties respectively, which tax so levied for the purposes so specified, shall be collected in the same way and manner, and under the same pains and penalties as may be provided by the general law for the collection of the regular State taxes; said tax of one-quarter of one per cent. shall begin in each county at the end of three years, tax hereby transferred respectively, except as to the county of Tallapoosa, which shall be at the end of four years and continue annually until said amount due the State has been entirely paid, including the amount paid by the State for compensation and expenses of the commissioner appointed to negotiate said settlement, which said amount shall be divided equally between said five counties.

Expenses pro  
rata over the  
five counties.

Approved February 14, 1885.

No. 293.]

AN ACT

[H. B. 836.]

To prohibit the justices of the peace and persons clothed with the jurisdiction of justices of the peace in Mobile county from making contracts in relation to the exercise of their powers.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for justices of the peace in Mobile county, or persons or officers in said county, having and exercising the jurisdiction of justices of the peace, to make with any person or persons any contract or agreement to collect any debt, claim or demand from any other person or persons, with or without suit, for compensation to be paid by any percentage or commission upon the amount of such debt, claim or demand or otherwise, and thereafter at any time to bring a suit against such debtor or person, against whom such debt, claim or demand is alleged, to be tried, heard or decided by himself under his authority as a judicial officer of the State; and any judgment or proceeding by any such justice or person having and exercising the jurisdiction of a justice of the peace for the recovery of any debt, claim or demand which had previously been in his hands for collection upon contract for compensation or commission or percentage or otherwise, shall, and is hereby declared to be null and void, and such nullity may be declared by any court having jurisdiction of the amount, upon the petition of the person or party against whom such judgment shall have been rendered; but this act shall not prevent such officer from collecting debts, claims or demands for such compensation as may be agreed upon; *Provided*, suit therefor, if instituted, be heard, tried and decided by a justice of the peace other than him with whom the contract for collection may have been made.

Reg'ating jus-  
tices of peace  
in Mobile co.

SEC. 2. *Be it further enacted,* That it shall not be lawful for any justice of the peace in said county, or any person having and exercising therein the jurisdiction of a justice of the peace, to make any contract or agreement with any person or persons in advance of the trial before him, or in advance of the collection of any debt, claim or demand, for which suit may be brought before him for the remission, abatement or waiver of any part or portion of his lawful costs, conditioned upon the success

Not lawful to  
make an agree-  
ment in ad-  
vance of trial.

or failure of either party to such cause, or conditioned upon the collecting or failing to collect the debt, claim or demand for which suit may have been instituted.

Penalty.

SEC. 3. *Be it further enacted*, That any person guilty of the violation of either of the foregoing sections of this act shall be adjudged guilty of a misdemeanor, and, upon conviction, shall be fined for each offense not less than twenty nor more than five hundred dollars, and may also be imprisoned at the discretion of the court trying the cause.

Approved February 14, 1885.

No. 294.]

AN ACT

[H. B. 905.

To pay Robert Hasson, Doorkeeper of the House, and W. J. Padgett, Doorkeeper of the Senate, for articles purchased for the use of the Senate and House of Representatives.

To pay for articles furnished to general assembly.

*Be it enacted by the General Assembly of Alabama*, That the amount of \$47.35 be appropriated to pay W. J. Padgett for articles purchased for the use of the Senate, and the amount of \$100.20 is hereby appropriated to pay Robert Hasson for articles purchased for the use of the House of Representatives.

*Be it further enacted*, That the auditor is hereby authorized and instructed to draw his warrants on the treasurer for the amounts above set forth, and in favor of the parties therein mentioned.

Approved February 14, 1885.

No. 295.]

AN ACT

[H. B. 224.

To regulate the holding of political primary meetings in Mobile county for the designation of delegates to political conventions, or of candidates for any elective office under the laws of this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever the executive or standing com-

mittee of any political party of citizens in the county of Mobile desire to take the sense of the members of the said party as to the proper persons to be made delegates to any convention to be held for the purposes of that party, or as to a proper person or persons to be presented on behalf of that party to the voters of the county as suitable for election to an office to be filled by the election of the voters of the county at an election to be held in said county under the laws of this State, the said committee shall, at least seven days before the time appointed for holding of the said convention, or the holding of said election, give at least five days' notice by advertisement in some newspaper published in said county, or by posting such notice in one or more public places in each ward or election precinct or district in the county wherein such primary meeting is proposed to be held, of the place where the voters belonging to that party are requested to meet in primary assembly, or meeting for the purpose of acting in relation to the nomination of delegates or candidates as herein above stated. Such notice shall also state the day on which such meeting is to be held and the hours within which it is to be held, and the names of the persons appointed to hold such meeting and receive the vote that may be cast thereat, and make report and return thereof, and the time when such return and report shall be made to the committee or organization directing such meeting to be held.

Primary meetings in Mobile county.

Notice of.

SEC. 2. *Be it further enacted*, That no person can vote or take part in the proceedings of any primary meeting who is not by the laws of the State a lawful elector, and authorized to vote in any legal election in the ward or precinct for which such primary meeting is held.

Qualifications of voters.

SEC. 3. *Be it further enacted*, That the committee or organization so directing such primary meeting may by its rules and regulations declare the terms and conditions on which legal electors offering to vote or take part in such meeting shall be regarded and taken as proper members of the party at whose instance, or in whose interest such primary meeting has been called or may be held, and therefore entitled to vote at such meeting as a member of that party.

Committee to declare terms and conditions.

SEC. 4. *Be it further enacted*, That any recognized

**Challenge.**

member of the party in whose interest such meeting is held may challenge the right of any person offering to vote at such meeting, and the persons there authorized to hold, and holding such meeting, shall determine on the evidence then furnished whether the person so offering is entitled to vote at such meeting, and shall receive or reject such vote so offered as to them the evidence for or against the right of the person so offering to vote shall reasonably warrant.

**Ballot.**

SEC. 5. *Be it further enacted*, That all votes at such primary meetings or assemblies shall be by ballot. The report to the committee so directing such primary by the officers holding the same, shall be in writing, with which the original ballots shall be returned and the list of the voters made at the time of the meeting, and the reasons on which any challenged vote was received or rejected. Said committee shall carefully examine the returns and reports so made, and thereupon decide who are the persons that have been chosen by the aggregate vote cast in the several primary meetings for delegates to the convention, and from what ward or precinct, if the meeting were for the appointment of delegates to such convention, or what person or persons have been elected as candidates of the party, as the case may be, for the office or offices to be filled at the approaching election.

SEC. 6. *Be it further enacted*, That except as herein provided, all elections at primary meetings under this act shall be regulated by the election law of the State in force at the time such primary meeting is held as nearly as the same can be done.

**Penalty for illegal voting.**

SEC. 7. *Be it further enacted*, That if any person who is not entitled to vote under this act, vote at any primary meeting held hereunder, or vote more than once, or personate another person or in any name other than his own legal name, or in any manner disturb the orderly proceeding of any such meeting, or intimidate or in any manner attempt to intimidate, or deter from voting, or bribe or attempt to bribe any authorized voter, or impose or attempt to impose on any duly authorized voter a ticket or ballot other than it appears on its face to be, such person or persons shall be guilty of a misdemeanor and on conviction shall be fined not less than ten dollars and may be sentenced to hard labor for the county for not more than three

months, one or both, at the discretion of the court trying the case.

SEC. 8. *Be it further enacted*, That the persons who may hold such primary meetings under this act and return the votes, proceedings and action thereof herein provided, shall before assuming the duties assigned them, make oath before some officer authorized to administer an oath, that they will honestly, faithfully and to the best of their ability do and perform all the duties of their respective offices, and any willful violation of said oath or of any other oath taken under the provisions of this act shall be held to be perjury, and shall be punished as provided by the laws of the State for the crime of perjury. Said officers are hereby clothed with the powers and duties of constables, and are required to see that good order is preserved at such meetings, and may arrest and present for commitment to the nearest officer clothed with the power of a justice of the peace any and all persons who may be guilty of any violation of the provisions of this act.

Oath of officers of election.

Powers of.

SEC. 9. *Be it further enacted*, That the persons holding such primary meeting under the provisions of this act may of their own motion, or in case of the challenge of any person offering to vote, if they deem there is any doubt of the propriety under the provisions of this act of the vote so offered, require of the person so offering to vote his oath to the facts which authorize the vote; and if the person so offering to vote decline to make the oath so demanded, his vote shall be rejected.

Vote rejected.

SEC. 10. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 14, 1885.

No. 296.]

AN ACT

[S. 247.

To relinquish the claim of the State of Alabama to certain lands therein mentioned.

*Whereas*, the school commissioners in township 17, range 1, west, in Sumter county, selected under the provisions of an act of congress of May 20, 1826, section 19,

in said township and range in said county, for school purposes in lieu of section 16 therein which was supposed to be reserved under the Choctaw treaty of 1830, and whereas, it was afterwards ascertained that only a portion of said section 16 was reserved under said treaty, and whereas, different parties have made entry and payment for said portion of said section 16, not embraced in said treaty, and are unable to complete their entries and obtain patents therefor by reason of the State of Alabama not having relinquished her right therein as school lands, therefore,

Relinquish-  
ment of claim  
to lands.

*Be it enacted by the General Assembly of Alabama,* That the State of Alabama does hereby relinquish her claim to all that portion of the 16th section of township 17, range 1, west, in Sumter county, which was not effected by the Choctaw treaty of 1830.

SEC. 2. *Be it further enacted,* That the Secretary of State be and he is hereby directed to forward to the Secretary of the Interior at Washington City; a copy of this act, properly certified.

Approved February 14, 1885.

No. 297.]

AN ACT

[H. B. 260.

To incorporate the "Jefferson Iron Company," for the production and manufacture of iron and steel in this State.

Jefferson Iron  
Company in-  
corporated

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Andrew T. Jones, Frederick Sloss, Macklin Sloss and Arthur Smith, all of the county of Jefferson, in this State, and their associates, successors and assigns, be and they are hereby created a body corporate, for the purposes stated in the caption above and hereinafter more fully set forth under the name and style of the "Jefferson Iron Company," and in and by that name and title, after the organization of said company as hereinafter provided, the said body corporate on becoming so organized, shall have continual succession as a body corporate, and may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use and alter at pleasure, a corporate seal, and exercise all the rights

and franchises granted to said body corporate in and by this act.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be and is hereby fixed at the sum of three hundred thousand dollars, but the company shall have the right after its organization to increase said capital stock from time to time, as the company may deem essential; *Provided*, that the entire amount of the capital stock shall not by such increase be more than ten million dollars. Capital stock.

SEC. 3. *Be it further enacted*, That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings or conventions of the stockholders each stockholder shall be entitled to cast in person, or by duly appointed proxy, one vote for each share of stock owned by such voting stockholders. Executors and administrators shall have power to represent the stock of the estate of his, her or their testator or intestate; and guardians to represent the stock of the person or persons for whom such guardian or guardians may be empowered to act. Shares.

SEC. 4. *Be it further enacted*, That the persons named as corporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place, in the county of Jefferson, as they shall designate and appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said company, payable in such time and manner as may be determined and agreed on by and between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at subsequent adjourned meeting or meetings as may be deemed necessary, if not completed at the first meeting; *Provided*, that not less than thirty days notice of the time and place and purpose of the meeting herein above authorized to be appointed and held, shall be given prior to the meeting, by advertisement in a newspaper published in the city of Birmingham, in said county of Jefferson. Meeting of corporators.  
Notice of time and place.

SEC. 5. *Be it further enacted*, That when as much as one hundred thousand dollars shall have been subscribed as authorized in the last preceding section, to the capital

Election of  
officers.

stock of said company, then at such time and at such place, in the aforesaid county of Jefferson, as may be determined by a majority interested of the subscribers to said stock, there shall be a meeting of said subscribers for the purpose of organizing said company by the election of a president and board of directors, five in number in addition to the president, who shall be *ex officio* a member and president of said board, as well as president of the company, said president and directors to be chosen from the subscribers to said stock by ballot, and by a majority in interest of said subscribers for stock. Said president and directors shall continue in office until the election of their successors by a subsequent convention of the stockholders, the time and place of holding which to be designated by the meeting electing such president and directors, or, on their failure to do so, the time and place for such convention to be fixed by the board of directors, of which such notice shall be given the stockholders as said board shall direct. The election of said president and directors, as provided for above, shall constitute the organization of said company.

May increase  
capital stock.

SEC. 6. *Be it further enacted*, That after the organization of said company, the company shall have the right to take and receive additional subscriptions to its capital stock, and in doing so, may, as it may deem proper and advantageous, receive subscriptions payable in whole or in part in mineral bearing lands or other lands, and mineral rights needful and suitable for its business as sources of supply of iron ores, limestone, mineral or charcoal and other needed materials, and may take and receive such subscriptions, payable in the same manner, from any one corporation in this State engaged in the business of producing or manufacturing iron which shall possess larger quantities of such lands or mineral rights suitable for the business and purposes of said company than may be needed, or than can be utilized by such corporation in its own business, and may take and receive proper conveyances for such lands or mineral rights that may be so bargained for.

Business of  
company.

SEC. 7. *Be it further enacted*, That the business of said company is hereby declared to be, and shall be the production and manufacture and sale of iron, and also of steel when the company shall deem it practicable to engage in the last named business. Said business

to be located and carried on in the county of Jefferson, in this State, unless it should be found that it can be carried on more advantageously in one of the adjacent counties on account of the greater abundance and position and cheapness of iron ores and other needed materials that may be obtained in such adjacent county; in which case, said business may be located and carried on in such county adjacent to the county of Jefferson.

SEC. 8. *Be it further enacted*, That said company shall have power to contract for purchase and own all such lands and mineral rights and timber rights and other property, and to construct such furnaces or rolling mills and buildings and structures and appurtenances as may be deemed needful and useful in carrying on its business permanently, in the most efficient and advantageous manner. Said company shall also have power to lay out and construct and use all such tramways and railways or other roads or ways that may be needful and convenient for the transportation of the minerals and other materials and things that may be required in its business and for the transportation of its products; *Provided*, that the company shall possess or lawfully acquire the rights of way for the same, before the construction of any such ways or roads.

SEC. 9. *Be it further enacted*, That there shall be annual meetings or conventions of the stockholders of said company at the principal office of the company, or at some other place equally convenient to the stockholders for the election of president and directors and for the transaction of such other business relating to the interests of the company, as such conventions when assembled, shall deem necessary or proper, of which conventions such notice shall be given to the stockholders as said company by by-law or otherwise may prescribe, or as may be directed by the board of directors on omission of the company to prescribe; *Provided*, that omission or failure to hold any such convention within the time prescribed, shall not have the effect to cause a dissolution or discontinuance of said company. It shall require a representation of as much as three-fifths of the stock held or owned in said company by stockholders in person or by their duly constituted proxies, or agents to form a convention competent to transact business, binding on the company or its stockholders. The number of directors

Right to purchase and construct.

Annual meeting.

President and  
directors.

to continue as provided in the fifth section above, until otherwise provided by the company, which shall have power to increase or diminish the number as it shall deem proper. The president and directors shall be elected for a term of one year, but may continue in office thereafter until the election of their successors. Vacancies in the office of president or directors that may occur, may be filled until the subsequent election by the board of directors ; a majority of which will constitute a quorum for the transaction of business. Said company acting by its stockholders in convention shall have power to enact all such rules and by-laws as not contrary to the constitution or laws of this State or of the United States, as may be deemed needful and proper for the management and carrying on of its business ; and may elect or appoint all such officers other than president and directors as may be deemed necessary or proper, and fix the tenure and qualifications of each and prescribe rules for the transfer of stock by the respective stockholders. And may, if it deems proper, enact a provision in regard to the transfer of stock, which if enacted, shall be obligatory on all interested, to the effect that all stock proposed to be sold shall be offered in the first instance to the company through its president or board of directors, on the terms on which it may be offered and be proposed to be sold, and the company, acting through its president or board of directors, shall be entitled and have the right to purchase said stock for the benefit of its stockholders at the price and on the terms that the same may be offered and proposed to be sold ; and compliance with this rule if enacted, shall be essential to the transfer of such stock.

Approved February 14, 1885.

No. 298.]

AN ACT

[S. 266.

To regulate the fees of officers of court against the fine and forfeiture fund of Wilcox county.

Fees.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all claims of the sheriff, clerk of the Circuit and County Courts and solicitor against the fine

and forfeiture fund of Wilcox county shall be fifty per centum of the fees now allowed by law.

SEC. 2. *Be it further enacted*, That all laws in conflict with the provisions of this act, are hereby repealed.

Approved February 14, 1885.

No. 299.]

AN ACT

[S. 297.

To amend sections one, five and eleven of an act to incorporate the Bienville Water Supply Company, approved February 19th, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of the act to incorporate the Bienville Water Supply Company be, and the same is hereby so amended as to read :

*Be it enacted by the General Assembly of Alabama*, That George A. Ketchum, Thomas Henry, Wm. Butler Duncan, William J. Harron, P. Hamilton, Julien W. Whitney, David R. Dunlop, A. F. Cawthon, Dan'l P. Bestor, their associates and successors be, and the same are hereby made a body politic and corporate, by the name and style of the Bienville Water Supply Company, and as such corporation they are hereby vested with all the powers and privileges of private corporations under the laws of this State.

SEC. 2. *Be it further enacted*, That the fifth section of said act be so amended as to read :

*Be it further enacted*, That until a board of directors be elected by the shareholders as herein directed, any five of the corporators hereinbefore named, or of their associates, shall be authorized to open books in the Port of Mobile, or elsewhere, as they may direct, for subscriptions to the capital stock of said corporation, upon such terms as to payment by the subscribers thereof as said five persons may, by resolution, determine, to be placed at the head of the subscription list. When the sum of fifty thousand dollars shall have been subscribed, said corporation who have obtained such subscription, shall call a meeting of the subscribers, at such time and place shall elect a board of seven directors to serve one year

and till their successors are elected, who shall proceed and organize said corporation, upon filing with the judge of probate of Mobile county a certificate of organization as herein directed, signed by the persons who superintended the subscriptions to the stock, or a majority of them. Said corporation may enter upon, and thereafter transact and carry on the business hereby authorized to be transacted and carried on by said corporation.

SEC. 3. *Be it further enacted*, That the eleventh section of said act be so amended as to read :

Right to conduct water from any point.

Must begin its works within 4 years.

Contracts.

*Be it further enacted*, That said corporation shall have and enjoy the exclusive right of conducting and bringing water from any point, other than Three Mile Creek in the county of Mobile, for the supply of said Port of Mobile and village of Whistler, for the period of twenty years from the time when said water shall have been brought within the limits of the Port of Mobile, and be ready for distribution, and supply to the inhabitants of the Port of Mobile, and the houses and dwellings within the limits of said Port. And till the municipal authorities of said Port and village, if so by law authorized, shall purchase the water works and property of said corporation as hereinafter provided, but said corporation within four years from the passage of this act, must begin its works, and within six years from the date of the passage of this act, must cause water to be conducted into the Port of Mobile from some stream, point or place as hereinbefore named, and if and when any existing claim to conduct water into Mobile from Three Mile Creek, or any other point without the limits of said Port, has been obtained by this corporation, then said corporation shall have the exclusive right to supply said Port and village and the inhabitants thereof with water for the period and the term aforesaid. But nothing in this act shall be construed to prohibit the organization hereafter of any company for the purpose of supplying the city of Mobile or any other place with water which does not interfere with the property rights or rights of obtaining water pertaining to this company. In making contracts for labor and materials in the construction of works, by this act authorized, said corporation, by its directors, are hereby empowered to stipulate for payment in whole or in part, by the issue of shares of capital stock of said corporation to said contractors, but in no event

shall the issue of certificates capital stock exceed the amount of capital hereinbefore authorized.

Approved February 14, 1885.

No. 300.]

AN ACT

[H. B. 448.

To amend an act entitled an act to amend subdivision 1 of section 13 of article 3 of the act to organize and regulate a system of public instruction for the State of Alabama, approved February 23, 1883, so far as the same relates to the counties of Franklin and Madison.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to amend subdivision 1 of section 13 of article 3 of the act to organize and regulate a system of public instruction for the State of Alabama, approved February 23, 1883, be and the same is hereby amended so as to read as follows: Subdivision 1. He must pay the teachers of the public schools on the first Saturday after the end of each month, or as soon thereafter as practicable, upon the certificate of the township superintendent in which township the school was taught; and in counties in which separate schools have been established by special laws, said county superintendent or trustees shall pay over to proper officer authorized by said special law or laws, to receive the same, its proportionate share of the school revenues therein provided at the times above designated, and said county superintendent or trustees shall take receipts in duplicate to be kept in his office and one to be forwarded with his quarterly report to the superintendent of education, as a voucher for moneys thus disbursed, and he shall also forward or deliver to the probate judge of his county a duplicate copy of his said quarterly report, and it shall be the duty of the said probate judge, at the first meeting of said Commissioners Court or board of revenue, after receiving said report, to lay the report before the Commissioners Court or board of revenue, and if found apparently correct they shall order the same recorded on the minutes of said Court, and if said account is not correct the said Court shall so report to the superintendent of education at Montgomery, whose duty it shall be to

Public schools in Franklin & Madison counties.

Payment of teachers.

Share of school revenues.

Duty of com-  
missioners co't

make an investigation of the said county superintendent or trustees accounts at once, and it shall be the duty of said Commissioners Court or board of revenue, at its regular meeting in April and November of each year, or at any other regular meeting of said Court or board of revenue, to require the said county superintendent or trustees to bring before them his account and vouchers up to said day and the money on hand, and said Court of County Commissioners or board of revenue shall then and there proceed to count the said money and make report of the same within ten days to the superintendent of education; *Provided*, that nothing herein contained, shall interfere with or prevent the superintendent of education from examining into the accounts and vouchers of any county superintendent or trustees and the counting of the money on hand, through himself or duly authorized agent at any time he has reason to believe or suspect that such examination or accounting should be made; *Provided*, that the provisions of this act shall not apply to the county of Mobile.

SEC. 2. *Be it further enacted*, That this act shall apply only to the counties of Franklin, Madison and Lawrence.

Compensation.

SEC. 3. *Be it further enacted*, That the county superintendents of education or trustees of the above named counties shall receive as compensation for the additional services imposed by this act, one per cent. on moneys disbursed by them.

Approved February 17, 1885.

No. 301.]

AN ACT

[H. B. 360.

To regulate the drawing and empanneling of grand and petit juries in Dallas county.

To regulate the  
drawing of ju-  
rors in Dallas  
county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the jury commissioners of Dallas county, the judge of probate and the clerk of the Circuit Court of said county, shall meet in the office of the clerk of said court on the first Monday in January, 1885, or whenever the jury box is found to contain less than 100 names, or

as soon thereafter as practicable, and the said commissioners under the direction of the said probate Judge shall make a list or roll of every male citizen living in said county, who possesses the qualifications hereinafter prescribed, and who is not herein specifically exempted from serving on juries. The said roll shall be arranged alphabetically, and said commissioners shall write on said roll opposite every name placed thereon, the occupation and residence of said person. Upon the completion of said roll, said commissioners shall cause to be prepared slips of plain white paper of the same size and texture and shall write on said slips the name, occupation and place of residence of said person whose name has been placed on said roll, writing but one person's name, occupation and residence on one slip, and shall fold or roll up said slips one by one, and place them in a substantial wooden or tin box, provided with a lock and key, which said box shall be kept in the safe in the office of the clerk of the Circuit Court of Dallas county, and the key thereof to be kept by the probate judge, who shall not allow it to be by any person except himself in his own proper person.

Roll of male  
citizens.

Box to be kept  
by circuit court  
clerk.

SEC. 2. *Be it further enacted*, That the said judge of probate and commissioners shall place on said roll and in said jury box only the names of such male citizens of Dallas county who are competent to discharge the duties of grand and petit jurors with honesty, impartiality and intelligence, and are esteemed in the community for their integrity, fair character and sound judgment, but no person must be selected who is under twenty-one nor over sixty years of age, or who is an habitual drunkard, or who is afflicted with a permanent disease, or who can not read or write, or who has ever been convicted of any offense involving moral turpitude, nor must any person be selected unless the probate judge or one of said commissioners knows that said person possesses all the qualifications prescribed in this section and is not exempt.

Qualifications  
of juror.

SEC. 3. *Be it further enacted*, The following named persons and none others are exempt from jury duties: School teachers while employed in teaching, ministers of the gospel in charge of churches, judges and clerks of the several courts, attorneys at law actually engaged in the practice, practicing physicians, the sheriff and his deputies, masters of transportation, train dispatchers and chief

Exempts.

telegraph operators of railroads, police officers of the city of Selma, all officers, engineers and hostlers of the fire department, all active members of a regularly organized fire company, and all exempt firemen who have actually served as active firemen for the term prescribed by the law, whose name must be certified under oath by the chief of the fire department of Selma to the probate judge of Dallas county, also all justices of the peace, not including notaries public, bonded constables and ferrymen, and all active uniformed members of a regularly organized company of State troops, whose names must be certified under oath to the probate judge by the captain of said company.

SEC. 4. *Be it further enacted*, All provisions of any charter or of any special or local laws exempting any person from jury duty in said county other than those expressly enumerated in the preceding section are hereby repealed.

Duty of probate judge and jury commissioners.

SEC. 5. *Be it further enacted*, That said probate judge shall call said jury commissioners together, at least twenty days before every regular or special term of the Circuit or City Courts to be held in said county, and said judge and commissioners shall meet in the office of the clerk of the Circuit Court, and one of said commissioners shall in the presence of the other commissioners and under the direction and supervision of said probate judge, draw from said jury box, slips containing the names of sixty (60) jurors, who shall be summoned and from whom shall be selected as hereinafter provided, the grand jury and the petit juries to serve the first week of said court, and one of said commissioners shall in like manner draw from said jury box the names of forty (40) jurors for every other week in which a jury will be required during said term. The clerk of the Circuit Court of Dallas county shall attend all meetings of the jury commissioners of said county and under the direction of the probate judge keep a record of the full names of all the jurors drawn under the provisions of this act, showing when drawn, for what court and week thereof they are to serve, their occupation and residences, and shall record every name as it was drawn from said box and before another name is drawn out; *Provided*, the grand and petit jurors drawn from the City Court of Selma shall be drawn and summoned for such weeks as the judge of

Names select'd

said court may direct. When the required number of names have been drawn, if it appears that any person whose name has been drawn is dead, insane, permanently diseased or a non-resident of the county, or in anywise disqualified, the probate judge shall cause said clerk to enter on said roll opposite said name such death or disqualification, and another name must be drawn as before, and the same proceedings had as often as it is necessary till the requisite number of qualified jurors is obtained, whereupon the probate shall sign the minutes of said drawing and adjourn the meeting of said commissioners to the next day upon which it will be necessary to draw any jury in said county.

SEC. 6. Upon the completion of any such drawing of juries, the said clerk must issue an order in writing to the sheriff of Dallas county commanding him to summon the persons so drawn to appear and serve as jurors, setting forth in said orders the full name, occupation and residence of every person named in said order, and the week of the court for which said juror is to serve, and the sheriff shall execute said order and make return thereof, as provided in section 4745 of the code of Alabama.

SEC. 7. The court shall require the sheriff to call all the persons so named in said order, and shall then hear all excuses and claims of exemptions and disqualifications, and after passing upon all of said excuses or claims, shall cause the names of all the jurors in attendance upon said court on that day, and who have not been excused by the court, to be written on separate slips of paper and folded or rolled up so as to conceal the names written thereon, and then placed in a hat or box, and thereupon the judge of said court must, in open court, draw from said hat or box the names of eighteen jurors, who shall forthwith be empanelled and sworn as the grand jury for that term of the court. The judge must then proceed to draw from said hat or box the names of twelve jurors, who shall be empanelled and sworn as petit jury No. 1, who shall serve as a petit jury for that week and till discharged, and in like manner said judge must draw, empanel and swear petit jury No. 2, who shall serve as a petit jury for that week and till discharged.

SEC. 8. Whenever there are not enough qualified jurors in attendance upon said court to form the juries required by law, and at least four tales jurors, the judge

Jurors drawn.

of the court shall draw from the jury box the names of as many jurors as he may deem necessary, who reside within two miles of the court house, to complete all the juries for said week, and shall require the sheriff, forthwith, summons all the jurors thus drawn to appear in said court. The court shall cause the names of all jurors thus drawn, who appear in said court, and who are qualified and not excused by the court, to be placed in a hat or box, and from these names shall be drawn as many jurors as may be necessary to complete all of said juries. In the event the juries are not thus completed, or should the grand or any petit jury be reduced from any cause below the number required by law, the court shall, in the manner prescribed by this section, supply all the deficiencies in the number of any jury in said court. The names of all jurors drawn from said box under the provisions of this section, who do not reside or who are not within two miles of said court house, shall not be given to said sheriff, but must forthwith, upon the completion of the drawing, be returned to said jury-box in open court. The clerk of said court, under the direction of the court, shall make upon the minutes of said jury commissioners an entry of all jurors sworn and empannelled under the provisions of this section. The names of all jurors summoned under this section, who are not sworn and empannelled, shall be forthwith returned to said jury-box in open court.

Excuses.

SEC. 9. Whenever any juror drawn and summoned under this act shall appear to the satisfaction of the court to be disqualified or exempt, the court must make an order requiring that his name be stricken from said jury roll, and his name shall not thereafter be placed in said jury-box. Whenever any juror is drawn and summoned under this act and is excused, or for any cause is not empannelled and sworn, his name shall forthwith, in open court, be written on a slip of paper and deposited in said jury-box.

Not a capital case.

SEC. 10. Upon the trial in the Circuit or City Court of said county, of any person indicted for a misdemeanor or a felony, not punished capitally, the court shall require lists of all the regular jurors empannelled for that week, who are competent to try said defendants, to be made, and the defendant shall be required to strike from said lists the names of two jurors, and the solicitor shall strike

one, and shall continue thus to strike off names, alternately, till twelve remain on said list, and these twelve, thus selected, shall be the jury charged with the trial of that case. In case two or more persons are tried jointly, each defendant shall have the right to strike off one name, and the solicitor one, and continue thus to strike off names till twelve remain, and the twelve thus selected shall be the jury charged with the trial of said defendants. If for any cause the number of regular jurors competent to try the defendant is reduced below sixteen, the court must cause at least ten jurors, who live or are within two miles of the court house, to be drawn and summoned, and the names of those appearing who are competent to try the defendant must be placed on the list with the regular jurors for that week, and the defendants and the solicitor shall then be required to strike from said list thus made up the names of jurors as provided for in this section.

Whenever any person stands indicted for a capital felony, the court must, on the first day of the term, or as soon thereafter as practicable, make the order required by section (4874) four thousand eight hundred and seventy-four of the Code of Alabama, and shall then, in open court, cause to be drawn from said jury-box the number of names required, with the regular jurors summoned for the week set for the trial, to make the number named in said order, and shall cause an order to be issued to said sheriff to summon said persons, therein named, to appear in court on the day set for the trial of said defendants, and must cause a list of the names of all the jurors summoned for the week in which said trial is set, and of those drawn as provided in this section, together with a copy of the indictment, to be forthwith served on the defendant by the sheriff, and the defendant shall not be entitled to any other or further notice of the jurors summoned or drawn for his trial, nor of the charge or indictment upon which he is to be tried. On the day set for trial, if the cause is ready for trial, the court must inquire into and pass upon the qualifications of all the persons who appear in court in response to the summons to serve as jurors, and shall cause the names of all those whom the court may hold to be competent jurors to try the defendant or defendants to be placed on lists, and if there is only one defendant on trial, shall require the defendant to strike

Capital felony.

Day set for trial.

off from said list two names, and the solicitor to strike off one. In case there are two or more defendants on trial, each defendant shall strike one name, and the solicitor one, and shall in this manner continue to strike names from said list till only twelve names remain. The twelve thus selected shall be sworn and empannelled as required by law for the trial of said defendant or defendants. If in any capital case the number of competent jurors should be less than twenty, before requiring any one of them to be stricken off, the court must draw, as prescribed in this act, and have summoned enough qualified, competent jurors who are then within two miles of the court house, or live within two miles of the court house, to increase the number to at least twenty-four, and have their names placed on said lists with the other competent jurors, and shall then require defendant or defendants, and solicitor to strike from said list the number of jurors they may be entitled to strike off as provided in this section till twelve remain, and they shall be sworn and empannelled as the jury for the trial of said defendants. If any defendant should refuse to strike the number of jurors allowed by this act from the list furnished him under the direction of the court, the solicitor shall proceed and strike off all the names on said list, except those stricken off by the defendant, till twelve remain, and these shall constitute the jury for the trial of said defendant. If the sheriff fails to summon any juror drawn, or any juror summoned fails or refuses to attend the trial, or there is any mistake in the name of any juror drawn or summoned, none or all of these grounds shall be sufficient to quash the venire or continue the cause.

**Person unfit to serve.** SEC. 11. Whenever any person whose name has been placed on said jury roll shall appear to the court to be an unfit person to serve on juries, the court must make an order requiring said person's name to be stricken from said roll.

**Box to be delivered to clerk of city court.** SEC. 12. Whenever any juries are drawn under this act to serve in the City Court of Selma, the clerk of the Circuit Court must furnish a list of the persons so drawn to the clerk of the City Court, who must issue the necessary order to the sheriff as provided in section 6 of this act, and upon the convening of the City Court of Selma for the trial of jury causes, or empanelling of a grand

jury, the clerk of the Circuit Court shall deliver the said jury box to the clerk of the City Court, who shall perform, during the session of said City Court, all the acts required of and duties imposed upon said clerk of the Circuit Court by this act, and shall, on the adjournment of the jury causes in said City Court, deliver said jury box into the custody of said clerk of the Circuit Court.

SEC. 13. The judge of probate shall buy the necessary books in which to keep said jury roll and a record of said drawings, and shall draw his warrant on the treasury of said county to pay for the same.

SEC. 14. Whenever the record of the drawings of juries under this act disclose the fact that there are less than one hundred names in said jury box, the probate judge shall convene said commissioners and refill said box as provided in section 1 of this act, having first stricken from said roll the names of all persons who are not then qualified jurors, subject to jury duty, in said county, and added thereto the name of every person who possesses all of the qualifications prescribed in this act and who have become subject to jury duty since said roll was made, or last revised.

SEC. 15. Whenever the jury is required to try any issue in the Probate Court or before the probate judge, said judge shall draw from said jury box as many names as he may think necessary—in no case less than twenty-four—and shall make and sign a record of such drawing, and shall issue an order to the sheriff requiring him to summon said jurors, and upon the trial of said issue said probate judge must draw said jury in the manner provided in section 7 of this act. Probate court.

SEC. 16. In the event the probate judge shall be sick or necessarily absent, so that he cannot discharge the duties imposed upon him by this act, then, and in every such case, the judge of the City Court of Selma shall perform all the duties imposed upon said probate judge by this act. In case of sickness of probate judge.

SEC. 17. Upon the convening of any term of the Circuit or City Court, the probate judge shall deliver the key to the jury box to the judge of the court, to be used by said judge during said term, and to be by him, upon the adjournment of said court, returned to the probate judge.

**Sec. 18.** If the sheriff of Dallas county, or any deputy of said sheriff, shall negligently fail to summon any person to serve as a juror, whom he is commanded to summon, he shall be held guilty of a contempt of court, and it shall be the duty of the court to fine him not more than one hundred dollars for every person so unsummoned, and he may also be imprisoned for not more than five days; the return of any such person as "not found" shall be *prima facie* evidence of such negligence on the part of the sheriff or deputy making such return, and he shall be punished by the court unless he shows good reason to the contrary.

**Sec. 19.** The probate judge of Dallas county and the clerk of the Circuit Court shall be entitled to receive as compensation for their services in performing the duties imposed upon them by this act, the sum of four dollars per day for every day he may be engaged in performing the duties herein required of him, and every jury commissioner shall receive three dollars per day for every day he is actually engaged in performing his duties under this act. Said compensation to said judge, clerk and commissioner shall be paid out of the county treasury upon the warrant of said probate judge.

**Sec. 20.** If neither the probate judge nor any one of said commissioners knows that a person is qualified to serve as a juror, they may enquire touching his character and qualifications, and if satisfied that he possesses all the qualifications required by this act, they shall place his name on said roll and in said jury box.

**Sec. 21.** Any officer who neglects or refuses to perform any duty imposed upon him by this act, must, on conviction, be fined not less than one hundred dollars, and the solicitor's fee for every conviction under this section shall be fifty dollars.

**Sec. 22.** Whenever in drawing tales jurors to complete any jury authorized by this act or law, it shall appear to the judge drawing said tales jurors, that the names of the persons living within two miles of the court house, has been exhausted, said judge may then draw from said box the names of such persons as live nearest to the court house and have them summoned as other tales jurors are summoned.

Approved February 14, 1885.

No. 302.]

AN ACT

[S. 397.]

To fix the time of holding the Chancery Court in Randolph county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That there shall be held in the county of Randolph, during each year, two terms of the Chancery Court, and said Court shall be held in said county on Thursday after the fourth Monday in January and July, and continue at each term until the business of the Court is disposed of.

Chancery court  
in Randolph  
county.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act are repealed.

Approved February 14, 1885.

No. 303.]

AN ACT

[H. B. 218.]

To provide for the working, keeping up, repairing and improving the public roads and bridges, and opening and making new public roads and building new public bridges in each of the counties of Madison, Talladega and Calhoun, and to create a board in each of said counties to have general superintendence of all the roads and bridges therein, and to authorize the Court of County Commissioners of Blount and Elmore counties to adopt or abrogate for Blount and Elmore counties the system hereby provided for said counties above named.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Court of County Commissioners as at present organized, together with the county surveyor, be, and they are hereby constituted a board invested with general superintendence of the public roads and bridges within the limits of each of said counties, to be known as and styled "the board of superintendence of roads and bridges of said counties, respectively."

Board of su-  
perintendence  
of roads and  
bridges.

SEC. 2. *Be it further enacted,* That it shall be the duty of said board to divide the county into four road precincts, said division to be made with reference to equalizing the amount of work necessary to be done in

Divided into  
precincts.

Commissioner  
assigned each  
precinct.

each, taking into consideration the length of the roads and also the character of country over which they pass.

SEC. 3. *Be it further enacted*, That said commissioners be designated, appointed and assigned each respectively, to one of said precincts by said board. Each commissioner to have immediate and direct control, management and supervision under the provisions of this act, of all work done on all the roads and bridges of their respective precincts.

Duty of.

SEC. 4. *Be it further enacted*, That it shall be the duty of said board to work and keep in repair said public roads and bridges, by a system of day labor, or by letting out a portion or the whole work by contract, as may be in their judgment most to the interest of the county, paying for the day labor such price as is usual, customary and reasonable.

County surveyor.

SEC. 5. *Be it further enacted*, That it shall be the duty of the county surveyor to visit and inspect, once in every three months, and at such other times as may be in the judgment of said board necessary, the roads and bridges in each of said precincts and report in detail their condition to said board, at its first regular session thereafter. It is further made the duty of said surveyor to advise, aid and assist said commissioners in reference to all work done on said roads and bridges, and when said work or any portion thereof is let out by contract, it is hereby declared the duty of said surveyor to prepare the contract and specifications.

Board to meet  
quarterly.

SEC. 6. *Be it further enacted*, That said board shall hold regular quarterly sessions at the office of the judge of probate, the sessions to commence respectively on the first Mondays of January, April, July and October. Such meeting to continue from day to day until all business necessary to be transacted by the board is disposed of; said meetings to be held, organized and conducted, and all questions arising thereat to be adjusted and settled as is now provided by the general law in reference to the Court of County Commissioners; the surveyor to have no vote in deciding any question, but simply an advisory and recommendatory power. Said board may by resolution at a regular meeting change the time of holding its regular sessions, but before such resolution goes into effect, three weeks notice thereof must be given by publication in one or more of the newspapers published in

the county, and by written or printed notice stuck up at the court house. Said board, upon the application of any member thereof, may also hold special sessions, first giving notice thereof as is required of notice of changing time of holding regular sessions.

SEC. 7. *Be it further enacted*, That said board shall have the power to change or straighten old roads and to open new ones, upon proceedings therefor in conformity to the general law now in force relating to the changing, straightening and opening of public roads. To change old and open new roads.

SEC. 8. *Be it further enacted*, That said board is authorized, if in their judgment it is to the interest of the county, to use the convict labor of the county in working of said roads and bridges, and to provide such means for their safety, health and comfort whilst so employed as may be in the discretion of said board necessary and proper, and when any person is in prison under sentence to pay a fine and costs in any criminal proceeding had before any of the Courts of said county, said board may, in their discretion, require such criminals to work on said roads and bridges, allowing them as credit on said fine and costs for their labor, such reasonable amount as said board may think proper until said fine and costs are paid or otherwise secured, as is provided by law. To use convict labor.

SEC. 9. *Be it further enacted*, That no person shall be required to do road duty, as is now provided by law, except as hereinafter declared and provided.

SEC. 10. *Be it further enacted*, That said commissioners shall be allowed for each whole day consumed by them in discharge of any of the duties imposed by this act, the *per diem* now allowed by law to them as commissioners, and for parts of days in that proportion; and the surveyor for his services shall be allowed by the board such reasonable and just compensation as to them may seem right and proper. Per diem of comm'rs.

SEC. 11. *Be it further enacted*, That to carry out the purposes and objects of this enactment, the court of county commissioners of said county shall levy and collect a tax of not less than one-tenth of one per cent. on the taxable property of the county, such tax to be applied exclusively to the keeping up, repairing and improving of the public roads; such levy to be included in and a part of the one-half of one per cent. now authorized by the constitution to be levied and collected for general Commissioners to levy and collect taxes.

county purposes, and in addition thereto shall levy such special tax upon the taxable property of the county as may be necessary for the keeping up the public bridges and building new ones; and require all citizens of the county who are required to do road duty, under the public road law of the county now in force, to work said roads not exceeding four days in any one year, to be commuted by the payment of fifty cents per day in money for the number of days they are required to do road duty as herein required to be performed, to be enforced in event of failure to perform said duty or to pay said sum of fifty cents per day in money, by subjecting the delinquent to the same fines and penalties to be enforced by the procedure now in force, in reference to delinquents under said general road law. The taxes provided by this act to be levied and assessed against the property and citizens of said county shall when collected be paid into the county treasury to be held and applied exclusively to the purposes and uses declared by this act.

Powers of the  
board.

SEC. 12. *Be it further enacted*, That said board of superintendence is hereby invested with all the authority not in conflict with the provisions of this act, which now is or may hereafter be conferred by general law upon the court of county commissioners of the various counties of the State in reference to public and private roads and bridges.

Apportioner's  
bond.

SEC. 13. *Be it further enacted*, That at the first regular term of the county commissioners to be held on the 2d Monday in February, 1886, said court shall appoint a district road apportioner for each election precinct in the county. Before entering on the duties of his office said apportioner shall give bond in double the amount of the road tax to be collected in his precinct, and take oath for the faithful performance of his duties, said oath to be administered and said bond approved by the judge of probate; said apportioner shall make out a book of all hands liable to taxation or work for benefit of the public roads, alphabetically arranged, and the amount of taxes to be collected from each, extended and amount footed up and carried from page to page, and total amount for his precinct footed up, which book must be delivered to the court of county commissioners on or before the 2d Monday in February of each year. It shall be the duty of each contractor or overseer on the public roads to furnish

each apportioner with a list of the names of all parties who have elected to work and have worked under them in lieu of road tax, the number of days each have worked and amount allowed for same, which said apportioner shall enter to the credit of the party named on his road book. Said apportioner shall on the first day of October proceed to collect from all parties in his precinct subject to road duty, the amount of road tax levied by law, who have not worked out the same on public roads. Said road tax shall become delinquent on the first day of January, when said apportioner shall proceed without delay to levy on personal property of delinquents, and no property of delinquents shall be exempt from sale for said road tax, and after ten days notice by posting at a public place in the precinct of the delinquent's residence, proceed to sell enough of said property to pay said tax and costs of selling, which costs shall be the same as constables for ordinary levy and sale. On the second Monday in February of each year on the delivery of his road book to the county commissioners, said apportioner shall file a statement of the amount of road tax assessed in his precinct, the number of days worked and to whom credited, and after deducting the amount credited for labor and insolvencies, which deductions must be approved and allowed by the county commissioners, he shall pay over to the commissioners the remainder less such per cent. as the commissioners may allow on amount assessed and on the amount collected by him as compensation for his services. All persons liable to road tax shall have the privilege of working out same under any contractor or overseer on the roads of the precinct of such person, and said contractor or overseer shall report amount of same to the apportioner of his precinct and also to the county commissioner having charge of the roads of said precinct as provided by this act.

Contractor and  
overseer.

Apportioner to  
file statement.

SEC. 14. *Be it further enacted*, That upon the payment of said assessment of fifty cents per day at any time by any delinquent, such payment shall have the effect to discharge him from all fines and penalties imposed for his delinquency; *Provided*, that when proceedings have been instituted the costs of such proceedings must be paid in addition.

Relief from  
road duty.

SEC. 15. *Be it further enacted*, That all persons required to do road duty under the provisions of this act

Road hand  
notified.

shall perform the service at such time and place as may be designated by the members of said board, having supervision of the roads in the precinct in which such person resides, of which the road hands shall receive reasonable notice in the manner by said board prescribed.

Expenses; how  
defrayed.

SEC. 16. *Be it further enacted*, That the expenses incurred in working the public roads for the year 1885 under the provisions of this act, shall be paid as far as necessary out of any funds in the county treasury that may have been levied and collected for general county purposes.

Adopt system  
of working and  
improving.

SEC. 17. *Be it further enacted*, That the court of county commissioners of Blount and Elmore counties are hereby authorized to adopt the system of working, keeping up, repairing and improving the public roads and bridges and of opening and working new public roads and building new bridges in Blount and Elmore counties, with all the rights, powers, privileges, pains and penalties as are provided by this act for the counties above named and to abrogate such system at pleasure.

SEC. 18. *Be it further enacted*, That all laws and parts of laws, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 16, 1885.

No. 304.]

AN ACT

[H. B. 289.

For the relief of Z. B. Trammell, of Pike county.

Relief of Z. B.  
Trammell.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the auditor be required to ascertain the amount of tax paid the State by Z. B. Trammell for land sold for tax and bid in by the State before the first day of January, 1876, and redeemed by said Trammell after the first day of March, 1881, and upon ascertaining said amount by the auditor, he is hereby required to draw his warrant on the treasurer for such sum ascertained in favor of said Z. B. Trammell or order, and the treasurer shall pay said warrant out of any funds of the State not otherwise appropriated.

SEC. 2. *Be it further enacted*, That the Commissioners' Court of Pike county be, and are required to ascer-

tain the amount paid Pike county by said Z. B. Trammell on the property and in the manner as described in section one of this act, and upon ascertaining said tax paid for the use of Pike county, the said Commissioners' Court shall require the probate judge of said county to issue or draw his order on the treasurer of the county for such sum as shall be ascertained in favor of said Z. B. Trammell or order, which the treasurer shall pay out of any funds of the county not otherwise appropriated.

Approved February 16, 1885.

No. 305.]

AN ACT

[H. B. 548.

To provide for the more efficient working of the public roads in Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act all persons shall be liable to work on the public roads in Dallas county except those exempted as hereinafter to be mentioned. <sup>Working of public roads in Dallas co.</sup>

SEC. 2. *Be it further enacted,* That all females and all male persons under the age of eighteen years and over fifty-five years of age, and all maimed or disabled persons, who shall procure certificates of such disability from some licensed practicing physician, shall be exempt from working on public roads in said county; but no male person sentenced to hard labor for the county of Dallas by a court shall be exempt from working on the public roads of said county, if able to do such work, and if the court of county revenues shall determine to work the said convicts to hard labor on the public roads. <sup>Exempts.</sup>

SEC. 3. *Be it further enacted,* That any person liable to road service under this act may procure an exemption from such service by furnishing an able-bodied substitute in his place, or by the payment of the sum of fifty cents per day for each day he may be summoned to work, in such manner as shall hereinafter be provided. •

SEC. 4. *Be it further enacted,* That no person or hand shall be liable to work any public road under this act, every part of which is distant more than six miles from his residence, nor to work more than ten days in <sup>Where to work</sup>

any one year, not counting the days engaged in opening new roads; nor shall he be liable to work more than four days in succession.

Divided into 4 districts.

SEC. 5. *Be it further enacted*, That immediately after the passage and approval of this act, the board of revenue of Dallas county may, at their discretion, divide and apportion said county into four districts, to be known as road districts, and that four supervisors may be appointed by the said board, to be known as road supervisors, at such compensation as may hereinafter be mentioned.

Supervisors.

SEC. 6. *Be it further enacted*, That the board of revenue may contract with said supervisors at such reasonable compensation as they may deem adequate for the supervision of the public roads in Dallas county, and whatever contract may be made between the board of revenue and the supervisors aforesaid shall constitute the rate of compensation of the said supervisors, and the supervisors shall hold office for the term of four years from the date of their appointment, and shall give bond in double the amount of the compensation allowed them, with sufficient security for the faithful discharge of the duties required of them under this act. Said bond to be approved by the board of revenue of said county.

Duty of supervisors.

SEC. 7. *Be it further enacted*, That it shall be the duty of the said supervisors, after giving bond and security as aforesaid:

1. To take general supervision of the public roads in their districts that may be assigned to them by the board of revenue.

2. To apportion the sections of the public roads in said districts and to appoint competent overseers for said sections who must be able to read and write.

3. To appoint two apportioners of hands in each precinct.

Report to the board of revenue.

4. They shall make careful inspection of the public roads in their respective districts at least once every three months, and report under oath to the board of revenue their condition, and they shall also report to the grand juries of the Circuit and City Court of Dallas county at their respective sessions, all defaulting overseers and apportioners in their respective districts, who have failed in the performance of the duties required of them by law.

5. It shall also be the duty of the said supervisors to

examine into all contracts for lumber and other supplies made by overseers for the use of the public roads, and, if deemed necessary, for the proper repair of said roads, they shall approve the same, and the said account for lumber and supplies shall become a charge against the treasury of Dallas county, to be settled therefrom by order of the board of revenue. Examine contracts.

6. The supervisors, when making their quarterly inspection of public roads, shall also make a careful inspection of the bridges in their districts and report their condition to the board of revenue, and if any bridge shall be deemed unsafe for public use, the supervisors shall immediately post or caused to be posted a notice conspicuously at such bridge, notifying the public that such bridge is unsafe, and if any person sustain damage in crossing said bridge after said notice has been posted, then the county of Dallas shall not be held liable therefor. Inspection of bridges.

7. The supervisors shall see that the public roads in their respective districts are kept in proper condition for public use, and if any section of road or portion of a section of road shall need repair, he shall immediately notify the overseer on said section of the condition of said road and require him to put the same in proper condition. To see that the roads are kept in good order.

SEC. 8. *Be it further enacted*, That any supervisor who shall fail in the performance of any of the duties required under this act, shall, in addition to his liability on his bond, be deemed guilty of a misdemeanor, and shall, on conviction, be fined not less than ten nor more than fifty dollars at the discretion of the court or jury trying the same. Pen'ity for failure in duty.

SEC. 9. *Be it further enacted*, That the apportioners in each precinct shall hold office for two years from the date of their appointment, or until their successors shall be appointed and qualify, and it shall be their duty within fifteen days after being served with a copy of their appointment, which service may be by the supervisor in person, or by the sheriff as now required by law, to make a correct list of all hands or persons liable to road service in their respective precincts. To furnish the supervisor of their district with a correct copy of said list, and also within five days after any appointment, to furnish the overseers in their precincts with a list of hands apportioned to their respective sections and to correct such Apportioners.

lists from time to time as may be necessary during their term. And it shall also be the duty of said apportioners to report to the grand juries of the Circuit and City Court of Dallas county any default on the part of the supervisors in their respective districts.

**List of hands.** SEC. 10. *Be it further enacted,* That every person failing to deliver to the apportioners of his precinct or some one of them, within five days after application, a list of all hands, including his own, liable to work on roads, shall forfeit for each hand so liable six dollars, to be recovered in the name of the county before any justice of the precinct, and the apportioner must, on such failure, cause suit to be brought, and when the forfeiture is collected it must be paid into the county treasury.

**Apportioners exempt.** SEC. 11. *Be it further enacted,* That the apportioners shall be exempt from all other road service than that of making their apportionment, during the time they are in office, except as hereinafter provided.

**Vacancy.** SEC. 12. *Be it further enacted,* That if a vacancy shall occur in the office of supervisor of a district, then the apportioners of each precinct in said district shall perform, in their respective precincts, all the duties required of the supervisor until a new supervisor shall be appointed, and for the performance of such duties they shall receive an exemption from road service for each day so employed in addition to the exemption while in such service.

SEC. 13. *Be it further enacted,* That it shall be the duty of supervisors under this act, when they appoint apportioners for precincts to furnish them with a list of the section roads in their precincts as apportioned by said supervisors.

SEC. 14. *Be it further enacted,* That any apportioner who fails in the performance of the duties required of him under this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

**Overseers.** SEC. 15. *Be it further enacted,* That it shall be the duty of overseers of public roads in Dallas county to perform all the duties now required of them by law not in conflict with the provisions of this act. It shall also be their duty to report in writing to the supervisor of their district, immediately after working their section of road,

that the said section of road has been worked, and to furnish to the said supervisor a list of all defaulting road hands or persons liable to road service, and they shall also furnish a statement of all fines, forfeitures, and exemption money, collected by them, and pay over the same to the supervisors of their respective districts, and the said supervisors shall immediately pay the same into the county treasury.

SEC. 16. *Be it further enacted*, That the mode of warning hands shall be for the overseer or some other person appointed by him to give not less than twenty-four hours notice, in person or in writing, to be left at the residence, to all persons liable to work, to meet at such time and place as the overseer of the road may appoint, and with such tools as he may direct. The person serving the notice may be excused from work at the discretion of the overseer for all or any number of days that the hands may be at work on such warning. Notice to meet,  
time and place.

SEC. 17. *Be it further enacted*, That any person liable to road service under this act, who, being warned, fails to attend in person or to send an able-bodied substitute, or to pay the sum of fifty cents a day for each day he may be warned, or to otherwise pay for such absence by the hire of teams, tools or other articles, or who fails faithfully to perform his duty, such person must pay for each day's default not less than one nor more than three dollars, to be recovered before any justice of the election precinct in which such road is, in the name of the county. And the overseer must collect all exemption money, and immediately after working his road section and when the default is made, present all defaulting road hands to said justice and recover said fines, which shall be paid over to him by said justice, and the said overseer shall immediately pay over said fines and exemption money, as hereinbefore provided, to the supervisor of his district, to be paid into the county treasury.

SEC. 18. *Be it further enacted*, That no property owned by any defaulter, in not working a public road, shall be exempt from execution issued on a judgment founded on such default.

SEC. 19. *Be it further enacted*, That overseers under this act shall hold office for two years from receiving notice of their appointment or until their successors shall be appointed and qualified, said notice to be served by Overseers to  
hold office for  
two years.

the supervisor in person or by the sheriff as now required by law, and it shall be the duty of any supervisor or sheriff of Dallas county who serves notice of appointment on any overseer or apportioner, under this act, to return the same to the probate judge of said county, to be filed in the office of said judge. And overseers shall be exempt from road service for one year after the termination of their term of office.

Fines and forfeitures.

SEC. 20. *Be it further enacted*, That all fines and forfeitures from defaulting supervisors, overseers, apportioners, and road hands, and all money paid to overseers for exemption from road service, under this act, shall be paid into the county treasury, to be known as the road fund of Dallas county, and the said fund shall be used for no other purpose than for the public roads.

SEC. 21. *Be it further enacted*, That any overseer in Dallas county who fails in the performance of any of the duties required of him, under this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

When becomes operative.

SEC. 22. *Provided*, That this act shall not become operative until the board of revenue of Dallas county shall have made an order on their minutes to that effect; *and provided further*, that the said board of revenue may provide for the apportionment of tools, teams and wagons in Dallas county, for use on the public roads, in such manner as in their judgment may be necessary and just to secure a more efficient working of said road.

Approved February 16, 1885.

No. 306.]

AN ACT

[H. B. 684.

To amend "an act to incorporate the District of Opelika and provide for the government thereof," approved February 19th, 1883.

Amendment of act to incorporate District of Opelika.

*Be it enacted by the General Assembly of Alabama*, That an act entitled an act to incorporate the district of Opelika, and provide for the government thereof, approved February 19th, 1883, be so amended as to read as follows:

SECTION 1. *Be it enacted by the General Assembly of*

*Alabama*, That the inhabitants residing upon the following described tracts, lots or parcels of land, to-wit: Section seven (7) and section eighteen (18) and the west halves of section eight (8) and seventeen (17) in township nineteen (19) and range twenty-seven (27), and the east halves of section twelve (12) and thirteen (13) in township nineteen (19) and range twenty-six, (26) are hereby incorporated and made a body politic and corporate, under the name and style of the "District of Opelika," which shall be managed and governed as hereinafter provided. It may sue and be sued, buy and contract, and do its acts under that name, and may have and use a corporate seal. Boundaries.

SEC. 2. *Be it further enacted*, That the government of said district of Opelika shall be vested in a board of five commissioners, under the name and style of the "Opelika Police Board," who shall have and exercise the power conferred on them by this act, and no other except as may be necessary to execute such power. Said commissioners shall be appointed by the governor biennially, and continue in office two years or until their successors shall be appointed; said term of office beginning on the first Tuesday in March, 1885, and every two years thereafter. Should any vacancy occur in said board it shall be filled by the governor. He may also remove for cause a member of said board and appoint another in his place. Style of government.

SEC. 3. *Be it further enacted*, That the officers of said board, shall be a president, a recorder, a clerk and a tax collector and such police officers as said board may designate. Officers of the board.

SEC. 4. *Be it further enacted*, That the board of commissioners on their organization, shall elect from their number the president, who shall be the chief executive officer of the board, and shall perform all the duties required of him by this act. In case of his inability to act, the board may name a temporary vice-president, who shall during such inability, have the powers of the president. The board may fill vacancies, except as herein provided. He shall receive such fees and salary as the board of commissioners may prescribe, the salary not to exceed five hundred dollars per annum. May fill vacancies.

SEC. 5. *Be it further enacted*, That the president of

President of  
board ex officio  
recorder. said board shall be ex-officio recorder, and this section shall embrace any vice-president of said board during the time he shall act as the president thereof.

SEC. 6. *Be it further enacted*, That the clerk shall be appointed by said board, but shall not be one of the commissioners. He shall hold his office during the pleasure of the board, and shall keep a true and faithful record of its proceedings, shall preserve the books of said corporation, and a file of its papers and documents, all of which shall be open to public inspection; and he shall also perform such other duties as may be required of him by said board. He shall receive such compensation as the board of commissioners may prescribe.

SEC. 7. *Be it further enacted*, That the clerk shall be ex-officio tax collector, and shall collect all taxes and license charges, or license taxes as provided by this law, and by the ordinances of said board, and perform and discharge such other duties as may be required of him by said board. He shall enter into such bond and security as said police board may prescribe and approve.

SEC. 8. *Be it further enacted*, That the recorder shall be a conservator of the peace in and for the county of Lee; he shall have power to examine and commit, or admit to bail, or discharge all persons charged with criminal offenses; he shall also have the authority of a justice of the peace in all criminal matters arising within the precincts of the said district of Opelika; he shall hold a Court at such times and places as may be determined and fixed by the police board for the trial of all persons charged with offenses committed under this act, or with a breach or disobedience of any by-laws or ordinances that may be enacted or adopted under the authority of this act.

SEC. 9. *Be it further enacted*, That the recorder, within the limits of his jurisdiction, may issue his process as a justice of the peace upon complaint on oath of offenses committed within his jurisdiction. Upon such process the alleged offender shall be brought before said recorder, who shall issue subpoenas for such witnesses as justice may require, and examine under oath the witnesses who may appear against or for the accused; and try such party and give judgment as may appear legal and just. If such party be dissatisfied with the judgment, he, she or they may, within five days from the rendition of the

Recorder con-  
servator of the  
peace.  
  
May issue pro-  
cess and try  
cases.

judgment, appeal to the Circuit Court of Lee county, but the judgment shall not be suspended unless the party appealing give a bond, payable to the district of Opelika, in such reasonable sum as the recorder may deem just, with good and sufficient security to be approved by said recorder, conditioned that he, she or they will appear at the Court to which appeal is taken until discharged by due course of law, and will pay, satisfy, abide by and perform whatever judgment and sentence may be there rendered against him or them. The trial on the appeal shall be *de novo*, and shall be governed in all respects by the rules and regulations in other cases of appeal to the Circuit Court. In criminal cases he may commit to prison as justices of the peace are authorized to do, and for breaches of the ordinances of said corporate body, he may also commit to prison for the non-payment of fines and costs as hereinafter more particularly described.

SEC. 10. *Be it further enacted*, That all fines and forfeitures adjudged against any person or persons by said recorder in the exercise of the jurisdiction conferred on him, may be enforced and collected by execution against such persons, and be levied on their effects and property; such execution shall be issued by such recorder and directed to any public officer of the district of Opelika, and by him executed. Except as to the address of such executions, and the persons charged with their enforcement, they shall in all respects conform to, and be governed by, and be executed according to the laws regulating executions issued by justices of the peace of this State. Whenever the recorder may impose any fine or penalty under the provisions of this act, or under any ordinance authorized by it he may also render judgment and sentence, that if said fine or penalty be not promptly paid, the party on whom the same is imposed shall be imprisoned, or put to hard labor by said police board for the use of the district of Opelika for such time as to the recorder may seem just and right, but within the limitations provided by this act and under its authority. If such fine or penalty be not promptly paid, he shall by his warrant commit such party according to the judgment and sentence to such jail or guard-house as may be provided by said police board, or to the custody of such persons as may be charged by said board with the custody of persons condemned by the recorder to hard labor.

Fines and forfeitures.

Powers of police board.

To enact ordinances.

SEC. 11. *Be it further enacted*, That said police board shall have the power and authority to pass all by-laws and ordinances that may be deemed necessary and proper for the government of said district, not inconsistent with the laws of the State and the same to alter or repeal at pleasure; to prevent contagious or infectious diseases from being introduced or retained in said district, and in any way to preserve the health of its inhabitants; to prevent and remove all nuisances at the expense of the person or persons causing or owning such nuisances, or upon whose property they may be found; to pass and enforce such ordinances that may be effectual to prevent fires, and to take all measures that may be necessary or proper to secure the safety of said district; to prohibit and suppress gaming and gaming houses, and houses of ill-fame within the limits of said district; to establish night watches, and day watches, and patrols, and to appoint leaders and officers thereof whenever the peace, good order and safety of the district requires it, to make, alter, and ascertain new streets and alleys, paying bordering owners a fair compensation as damages therefor; to clean and keep in repair the streets and alleys; to provide and control a sufficient number of wells and pumps for public use; to regulate markets and fix the assize of bread; to establish a guard-house for the confinement when necessary of the violators of the ordinances of said district; to enact such ordinances as may be necessary to preserve the peace and good order of said district; to take jurisdiction of assaults and assaults and batteries, and to punish each and every such offender by fine in a sum not exceeding fifty dollars, and in default of payment of said fine, to imprison in the guard-house for a time reasonably proportionate to the magnitude of the offense; and generally to impose fines by way of punishment for violations of said ordinances, and to collect the same, and to confine offenders a reasonable time by way of punishment when default is made in payment of fines imposed, or to imprison in the guard-house by way of punishment in the first instance, or to add imprisonment to the fines as they may ordain, the said imprisonment always to be reasonable, and in no case to exceed thirty days; and in lieu of said confinement in the guard-house, the said police board in the exercise of a sound discretion shall have the power, by the enactment of proper ordinances, to employ under

humane regulations those offenders who may be sentenced to imprisonment in working upon the streets, pavements, sidewalks, alleys, wells and pumps of said district, or at the burial grounds of said district; and in doing such other work as the public good of the district may require or said police board may deem proper and necessary to be done; the said police board feeding the said parties and keeping them in safe custody, and when the work and imprisonment is because of the failure to pay a fine imposed, then the reasonable time shall be proportioned to the fine imposed, at the rate of not less than fifty cents per day, such punishment not being in satisfaction of the fine and costs; to take care of, preserve, designate and regulate all burying grounds in the district limits; and generally said police board shall have power to pass such by-laws and ordinances as may be necessary for the good government of the said district, and that may be necessary to carry into effect the true intent and meaning of this act, not contrary to the laws and constitution of this State, or of the United States; to prescribe by ordinance the manner of collecting fines imposed under this act by execution against the property of the party.

To work prisoners on the streets.

SEC. 12. *Be it further enacted*, That the said police board shall have the power to impose on each male inhabitant of 18 and not over 45 years, a street tax not to exceed \$2.00, and to impose a reasonable license tax on all occupations, avocations and employments of a public nature licensed by the State laws, and on others herein below named, to-wit: Wagons, carts, drays, omnibuses, hacks, and carriages, or other vehicles running from one part of said district to another part for hire, livery stables, beef markets, commission merchants, and brokers, whether by sample or otherwise; life, accident and fire insurance companies or their agents, each company represented; transient physicians, and vendors of patent medicines; but in no case is such license to exceed \$100.00, and such license must be taken out for each person or firm, vehicle, stable, employment or occupation.

To impose a street tax.

SEC. 13. *Be it further enacted*, That the male inhabitants of said district shall be exempt from working on the roads and highways out of the corporate limits, and the streets and highways in said district shall be kept in repair by the police board, and for the purpose thereof the said police board is hereby authorized to appropriate

Exempt from road duty outside corporate limits.

all, or any portion of the street tax provided for in this act, as may be necessary; *Provided*, that the person so taxed may pay the same by working on said streets and highways at the rate of 50 cents per day till paid.

Police force.

SEC. 14. *Be it further enacted*, That the duties of said police board shall be more especially executed, excepted as otherwise provided by a police force, which shall be under the direction and control of said board, and shall be appointed, constituted, organized and regulated, and be subject to removal by said police board; and it shall be composed of such number, not exceeding five, as said police board may deem necessary for the proper execution of the powers vested in said police board. The president, when he may deem it necessary, may appoint special policemen to serve for a limited time. The chief of police shall be, *ex officio*, a constable, and have the power and authority of a constable in this State.

Salaries of.

SEC. 15. *Be it further enacted*, That said police board, from time to time, shall fix the salaries and pay of the police force, which shall not be subject to garnishment, and shall promptly at the end of each month apply and pay so much of the funds provided by this act as may be necessary to pay such police force, and shall issue its warrants for the same.

Commissioners' oath.

SEC. 16. *Be it further enacted*, That each of the commissioners of said police board, and every officer in the service of the board, shall take and subscribe an oath, or affirmation, to support the Constitution of the United States and the Constitution of the State of Alabama, and to faithfully, impartially and honestly discharge the duties of his office; this oath or affirmation may be administered by any officer authorized by law to administer an oath, and it shall be taken before such commissioner or officer enters upon the duties of his office; it shall be filed with the said clerk. The chief officer of the police force, and all employees of said police board, who may be authorized to collect fines, penalties, taxes or license dues, or collect or receive money, shall, before entering on the duties of his office, or place, give a bond with good and sufficient securities, in such sum as may be determined by said police board, and to be approved by the board, and conditioned for the honest and faithful dis-

charge of the duties of such office or place, and said bond must be filed with the clerk.

SEC. 17. *Be it further enacted*, That in order to defray the expenses of carrying out the provisions of this act, said police board is authorized and empowered to levy and collect for each year of its existence, upon all real and personal property, and all subjects of State taxation within said district of Opelika, except the tax levied on polls, a tax not exceeding one-half of one per centum of the value of such property, or subject of taxation, as assessed for State taxation, during the year preceding that for which said police board may assess and levy the tax above provided for.

Police board may levy and collect tax.

SEC. 18. *Be it further enacted*, That the taxable property of each tax payer, and the subjects of taxation, on which he is taxable, and the amount or value of each item thereof as valued by the assessor of Lee county for the preceding year mentioned in section 17, shall be ascertained and fixed by the aforesaid tax assessor's book, of such year made by him under the requirements of section 375 of the Code of Alabama, and any supplemental assessments that may have been made by him for such year, all corrected as provided in section four hundred and thirty of the Code of Alabama.

Fixed by assessor's books.

SEC. 19. *Be it further enacted*, That said police board shall cause a copy of such tax assessor's books, corrected as aforesaid for such preceding year, to be made and entered in a book properly prepared for that purpose, but when the property or subjects have changed owners since said assessments on it were made by said tax assessor, said copy shall be so corrected as to show its true owner at the commencement of the year for which the tax provided for in this act, is to be laid, and so as to show against whom the tax assessed is laid. If the property has, since such assessment, been destroyed, or greatly damaged by fire, or other cause, this shall also be noted with the estimated amount of damage.

To be entered in a book prepared.

SEC. 20. *Be it further enacted*, That as soon as the book provided for in the preceding section is made and corrected, it shall be filed with the clerk of said board, where it shall remain for twenty days, open to public inspection, and notice of that fact shall be immediately given by said clerk, by the publication of a notice to that effect for ten consecutive days in some newspaper pub-

Book to be filed with clerk.

Corrections by  
police board to  
be final.

lished in said district of Opelika. Any person charged in said books as the owner of any property, or subject of taxation which he was not the owner of, on the first day of January of the year for which the tax therein provided for, is to be laid, shall, within said twenty days, file with said clerk his affidavit to that effect, and if he knows who the owner is he shall state that fact, or that he does not know. Any tax payer may also file objections as to the correctness of said book as a copy of the aforesaid books of the tax assessor for Lee county, designating wherein such copy does him injustice. Upon notice by the clerk of said board that such objections have been filed, said police board shall meet and hear and decide all such objections and correct said book accordingly, and their decision on such objections, and as to all corrections to be made, shall be final. The board may also, on their motion, correct any errors of ownership as aforesaid, but in no event shall it change such valuations except in case of deterioration provided for in the preceding section. The board shall continue its sessions from day to day until all objections so filed are disposed of, and no longer.

SEC. 21. *Be it further enacted*, That a majority of said police board shall be a quorum for the transaction of all business, and as soon as practicable after the lapse of said twenty days, said board, with the co-operation of its president, shall lay and levy for the current year the tax authorized by section 17 of this act on all the property and subjects of taxation, so listed and valued in the book mentioned in sections nineteen and twenty of this act corrected as aforesaid.

Taxes levied  
have force and  
effect of judgment.

SEC. 22. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes the said district of Opelika and commissioners shall have a preference lien over all encumbrances and securities whatever "except State and county taxes," and all taxes assessed against the property of any person or persons under this act, or for which such person may become liable for the current year, shall be a lien upon the real and personal estate of such persons within said district of Opelika, from the first day of January of that year, or if brought into the district after that time the lien shall attach from the time it is brought in.

SEC. 23. *Be it further enacted*, That after the said taxes shall be so fixed and levied, the president of said police board shall certify the same at the end of said tax book, and append thereto his warrant, directed to the tax collector of said district of Opelika, authorizing and commanding him to collect the taxes so levied, and shall deliver said tax book and warrant to said tax collector, and the said tax collector shall thereupon forthwith notify the public, by advertisement for thirty days in some newspaper published in the district of Opelika, that he is ready to receive payment of the taxes so levied.

President of board to certify.

SEC. 24. *Be it further enacted*, That after thirty days have elapsed from the first publication of such notice, the said tax collector or his deputy shall make a personal demand upon delinquent tax payers wherever they may be found, for the amount of their taxes and costs; and whenever unable to find them, shall leave a written or printed notice at the place or residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents; and it shall be the duty of such delinquents forthwith to make payment in full of their taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to tax payers who are non-residents of said district.

Personal demand by collector.

SEC. 25. *Be it further enacted*, That the tax collector of said tax shall be charged with and accountable for the whole amount of the assessed taxes for the year, and he shall only discharge himself from such accountability by showing that the amounts unpaid could not have been collected by the exercise of the means given him.

Charged with whole amount.

SEC. 26. *Be it further enacted*, That all taxes laid under this act, which are not paid at the end of ninety days from the date of the first publication of the notice required by section twenty-three of this act, shall be in arrears and delinquent from that date, and a penalty of one per centum on the amount thereof shall be added on the first day of each month subsequent to such date to all such taxes as may then remain delinquent and unpaid, to be collected as said taxes are authorized to be collected.

Arrears.

SEC. 27. *Be it further enacted*, That after the expiration of ninety days from the first publication of the tax collector's notice aforesaid, the tax collector may levy upon and seize any personal property, if any there be,

May levy and seize.

and if there be none, or not sufficient personal property, then upon the real estate of such delinquent tax payer; *Provided* that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of any such delinquent tax payer and the costs of such sale, and no personal property so sold for taxes shall be subject to redemption. But when real estate is levied on, notice of sale shall be given ten days before the day of sale in some newspaper published in the district of Opelika, and a copy of such newspaper containing the notice shall be filed in the tax collector's office. The land may be described by such numbers and abbreviations as will clearly indicate the property to be sold. The sale shall be at the court house of Lee county, and commence on the day indicated in the notice, and the sales may be continued from day to day until completed.

Sales.

SEC. 28. *Be it further enacted*, That at all sales by the tax collector of property for taxes, he shall attend and bid off in the name of and for the district of Opelika as purchaser all the lots and lands on which the tax collector cannot get a bid from other persons to the amount of the taxes and expense of sale, and the said district of Opelika shall have a certificate of purchase, and be vested with all the title to the property so bought in, subject to the right of redemption hereinafter provided. When any real property shall be sold by the tax collector, for non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect:

Form of certificate.

I, ———, tax collector, of the district of Opelika, do hereby certify that the district taxes for the year 18— (or the particular tax or assessment, as the case may be.), amounting in all ——— dollars, being due and unpaid by (A. B.) the owner or agent thereof, I have this day sold for the payment of taxes due by said (A. B.) and for the collection of costs of levy and sale to (C. D.,) who has paid the amount of taxes due as above, the following piece, parcel or lot of land lying in the district of Opelika, and bounded and described as follows (insert description of lands by metes and bounds): By virtue of the power vested in me by law, I do hereby authorize the said (C. D.) to have and to hold the above described lands and tenements, until the same shall be redeemed according to the provisions of this act. In witness

whereof I have hereunto set my hand and affixed the seal of this corporation, this — day of —, 18—, Tax Collector.

Any real property sold under the provisions of this act may be redeemed by the owner, or any person interested therein, within two years after said sale, by paying to the district of Opelika the amount of purchase-money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the said tax collector to keep in his office, in a book provided for that purpose, and conveniently indexed, a record of all certificates of purchase issued by the said tax collector; and when any real estate shall be redeemed, as hereinbefore provided, it shall be the duty of said tax collector to note such redemption on such record, and when the purchaser or his assignee shall demand the money paid on such redemption, he shall pay the same to such purchaser or assignee upon the surrender of the certificate of purchase, and upon his failure to do so the said tax collector and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption, signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale; the date of redemption; the amount paid, and by whom redeemed; and such certificate shall be *prima facie* evidence of the facts therein stated. The said tax collector shall make such report of redemption of property as the said corporate authorities may require. After the expiration of the term of two years from date of sale of any real property for taxes, under the provisions of this act, the said tax collector then in office, shall, upon the application of holders of certificates of purchase, make out a deed for each lot, or parcel of real property sold and remaining unredeemed, and deliver the same to the purchaser, or his endorsee, upon the return of the certificate of purchase; the payment of all subsequent taxes on such property, and the payment of one dollar for the deed; but any number of parcels of real property, for which one person may hold certificates of purchase, may be included in one deed, as may be desired by the purchaser. Such deeds shall be signed by the said tax collector in his

Duty of tax collector.

Deeds

official capacity and acknowledged by him before some officer authorized to take acknowledgements of deeds, and when substantially thus executed and recorded in the proper record of titles to real property, shall vest in the grantee all the right, title, interest and estate of the former owner or owners in and to the land conveyed, free from all incumbrances, by such former owner or owners made or suffered (except State and county taxes) and each of such deeds shall be *prima facie* evidence in all the courts of this State, in all controversies and suits in relation to the rights of the grantee therein, his heirs or assignees, to the land thereby conveyed, of the facts recited in the deed of the regularity of all proceedings in the assessment and sale of said property, required by this act, and of the title and right of entry of the grantee, his heirs or assignees.

SEC. 29. *Be it further enacted*, That should said police board require further or other means of collecting the taxes authorized by this act, it may, by an ordinance, adopt or substitute for any of the foregoing provisions, the provisions contained in chapter 2, part 1, title 7 of Code of Alabama, or any part of such provisions, for the collection of such taxes by the tax collector of the district of Opelika, so far as the same may be applicable, and shall have the same right to sell property and make titles to property sold for taxes as is provided for collecting State and county taxes; and said police board in adopting such provisions shall, by the ordinance adopting the same, declare which of such provisions it adopts, and in such ordinance it may change the provisions so far as to substitute its tax collector for that of the State or county tax collector, and so as to adopt the provisions relating to State and county taxes to the collection of the taxes authorized by this act.

SEC. 30. *Be it further enacted*, That all money collected for taxes, licenses, fines, penalties and forfeitures, under this act, shall be paid as collected, to the credit of said police board, with such bank or banks as may be designated by said board as depositories, and shall be drawn out only in such sums and at such times as the same shall be actually required, and only for the expenditures authorized by law, and only upon warrants signed by the president of said board, and countersigned by the clerk, and issued in payment of claims that may have been au-

Should board  
require further  
means of col-  
lecting.

Moneys col-  
lected to credit  
of police board

dited and ordered to payment by said police board. All said warrants shall be issued from a bound book containing a stub or margin corresponding to each warrant, which shall be kept by the clerk of said board, subject at all times to the inspection of said board. The corresponding stub or margin shall show by an entry made at the time the warrant issued, the date and amount of the warrant, for what purpose, on what account, by what authority and to whom the warrant was issued. This stub or margin shall remain in said book. Any person issuing any warrant for, on account, or in the name of said police board, without complying with the provisions of this act, shall be guilty of a misdemeanor.

SEC. 31. *Be it further enacted*, That said police board may, on the faith and credit of the taxes, licenses, fines and penalties authorized by this act, borrow, from time to time, money not exceeding five hundred dollars in the aggregate, in order to defray the expenses necessary to the performance of their duties until a fund for that purpose can be realized from the collection of such taxes, licenses, fines and penalties, and for that purpose said police board is authorized to execute a promissory note or notes for the amount so borrowed, accompanied by its order or orders, addressed to such bank or banks as it may designate as the depository of such taxes, licenses, fines and penalties, and therein direct the bank or banks to which it may be addressed, to apply to the payment of such note or notes so much of the funds deposited, or to be deposited with the bank or banks to the credit of said police board, as may be stated in the order or orders. Such notes and orders must be specially authorized by a vote of the majority of the board, with the approval of its president, duly entered of record with the occasion for which the money is borrowed, and this authority must be recited in the notes and orders, with the date of such authority; such notes and orders must be signed in the name of said corporation, by the president of said police board, and countersigned by its clerk. Such notes and orders when presented together to the bank or banks, on which the orders are drawn, shall constitute a lien on any funds of said corporation, deposited with such bank or banks; and such an amount thereof as may be necessary to pay such orders shall be retained by the bank and applied to the payment of each note or notes. Such

Authorized to borrow.

Notes and orders.

notes and orders, when paid and accompanied by proper evidence thereof, shall constitute a good and sufficient receipt and voucher for such bank or banks in its or their settlement and accounting with said board.

Comm'rs not  
allowed to con-  
tract for work.  
&c.

SEC. 32. *Be it further enacted*, That none of the commissioners provided for in this act, shall directly or indirectly, by himself or through others, make or enter into with the authorities of the district of Opelika any contract for work or services of man or beast, or for material or supplies, and any such contract so made or entered into shall be void, nor shall such commissioners, or any officer, or person charged with the collection of taxes, licenses or dues for said district of Opelika, by himself or through any other person, deal or traffic, in any manner whatever, in any warrant, claim or liability against said district of Opelika, unless it be to dispose of any warrant that may have been issued directly to any such or other person, and any person who violates the provisions of this section shall thereby forfeit and vacate his office or place.

SEC. 33. *Be it further enacted*, That this act shall go into effect from and after the third day of March, 1885, and that all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 16, 1885.

No. 307.]

AN ACT

[H. B. 709.

To establish a separate school district, to be known as the Texasville District in Barbour county.

Texasville  
school dis-  
trict.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a separate school district, to be known as Texasville District, in Barbour county, be, and the same is hereby established, and the boundaries of which shall be as follows, to-wit: Selecting Texasville as the central point, extending two and a half miles east and two and a half miles west, two miles south and two miles north, which include the southern portion of township (9), northern portion of township (8), and the northeastern

part of township (8), in Henry county, all in range (26) twenty-six, east.

SEC. 2. *Be it further enacted*, That the Texasville district shall receive its proportionate share of the public school revenue, including a *pro rata* share of the sixteenth section fund of each township that lies partly within said school district, and shall also receive all of the tax collected as poll tax within the limits of the territory as set forth in the first section of this act.

To have proportional share of school revenues.

SEC. 3. *Be it further enacted*, That the superintendent of education of Henry county shall collect from the tax collector of said county the poll tax collected from the polls living in the fractional part of the township in said county, composing a part of said school district, and pay the same, together with the *pro rata* share of its State apportionment, over to the superintendent of education of the county of Barbour, to be expended by him in the maintenance of the public schools in said Texasville District.

Superintendent may collect.

SEC. 4. *Be it further enacted*, That the superintendent of education for Barbour county shall appoint the superintendent of said school district, and said district shall be under the supervision and management of said superintendent of Barbour county, and be subject to the law in every particular, not inconsistent with this act, governing the public school system in this State.

Under supervision of sup't of Barbour co.

Approved February 16, 1885.

No. 308.]

AN ACT

[H. B. 796.

To regulate the recording of declarations of exemptions in Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the judge of probate of Barbour county to record at his office in Eufaula all declarations of exemptions that may be offered for record in the same manner as now prescribed by law for recording such instruments in his office at the court house of said county.

Record of exemptions in Barbour co.

SEC. 2. *Be it further enacted*, That within first three days of each month said judge of probate shall prepare

Description of  
property.

lists of all such declarations filed and recorded in said office at Eufaula, designating the name of the party claiming the exemption, the date of filing and recording, a description of the property claimed and the book and page in which recorded, and shall record such list in the book used for that purpose in his office at the court house, indexing the same in the same manner as if said declaration was recorded in full therein.

SEC. 3. *Be it further enacted*, That in like manner within the first three days of each month, said judge of probate shall make similar lists of the declarations of exemptions filed and recorded in his office at the court house, and cause such lists to be in like manner recorded and indexed in the record for exemptions in his office at Eufaula.

Operate as no-  
tice.

SEC. 4. *Be it further enacted*, That any declaration so filed and recorded in the office of said judge of probate in Eufaula, shall operate as notice, and be in all respects held and regarded the same as if filed and recorded in the probate office at the court house of said county.

Penalty.

SEC. 5. *Be it further enacted*, That a failure to make out and have recorded the lists of declarations of exemptions, as required by sections two and three of this act, by the said judge of probate, shall be a misdemeanor, and on conviction thereof, the said judge of probate shall be fined not more than five hundred dollars.

Approved February 16, 1885.

No. 309.]

AN ACT

[S. 168.

To create a board of education for the city of Birmingham, and to prescribe the powers and duties of the same.

Board of edu-  
cation of Bir-  
mingham.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the public schools of the city of Birmingham, shall be under the charge of a board of education, to consist of the mayor of Birmingham and six other persons, to be elected by the mayor and aldermen of said city. The present board of education, created by the mayor and aldermen of said city, shall exercise the powers and perform the duties hereinafter provided, and the

members thereof shall hold their office during the time for which they were elected. After the expiration of the term of office of the members of the present board, the members thereof shall be elected to serve for a term of three years, and two of such members shall be elected annually. The successor of each of the present board shall be elected at the expiration of the term of office of such member, and for a term of three years.

SEC. 2. *Be it further enacted*, That each member of said board of education, except the mayor, shall, upon his induction into office, subscribe an oath or affirmation to faithfully discharge all the duties imposed upon him as a member of said board. Such oath may be administered by the mayor of said city. To subscribe  
oath.

SEC. 3. *Be it further enacted*, That said board of education shall have power to build upon the property of the city, suitable houses for the use and accommodation of the public schools of said city, or the said board may rent such houses. Said board shall keep such houses in proper repair and shall furnish the same with appropriate furniture and apparatus. Power to build  
or rent.

SEC. 4. *Be it further enacted*, That said board of education shall open a sufficient number of schools to meet the wants of the population of the city of Birmingham, and said board shall elect a city superintendent of education, a superintendent of said schools, the principals thereof, and all teachers, fix their compensation, and prescribe their duties, control the distribution of teachers and pupils among the several schools, dictate the course of instruction, the number and character of text-books, the organization of classes, and the method of teaching, and shall prescribe rules and regulations for the government of the schools. Said board shall have and exercise such other and additional powers as may be necessary to give it complete control of the public schools of said city. Rules and reg-  
ulations.

SEC. 5. *Be it further enacted*, That said board of education shall issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public high schools of said city.

SEC. 6. *Be it further enacted*, That the plan of instruction and the rules and regulations adopted by said board shall be adhered to unless altered by a vote of two-thirds of the said board. Plan of educa-  
tion.

What children wards of all actual residents within the corporate limits admitted. SEC. 7. *Be it further enacted*, That the children of the city of Birmingham from seven to twenty-one years of age, shall be entitled to seats as pupils in the public schools of said city; *Provided*, such children shall themselves be *bona fide* residents of said city, and non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe; *Provided*, that separate schools shall be provided for the children of citizens of African descent.

Grades. SEC. 8. *Be it further enacted*, That the board of education shall have power to charge in the several grades of said schools such incidental or other fees as may be deemed necessary for the proper conduct of said schools.

Estimate filed with mayor. SEC. 9. *Be it further enacted*, That it shall be the duty of the board of education, before the first Wednesday of April in each year to prepare and file with the mayor of Birmingham an estimate of the money that will be required for the maintenance of the public schools of the city for the succeeding scholastic year, and for the erection and repair of necessary school buildings, and the board of mayor and aldermen of said city shall make the necessary provision to supply the funds required in said estimate.

Public school fund. SEC. 10. *Be it further enacted*, That all funds devoted to public school purposes, in the city of Birmingham, whether derived from State, county or city, shall be paid into the treasury of said city, and shall be disbursed in such manner as the board of education may direct; *Provided*, that not more than four per cent. of the money derived from the State shall be used otherwise than for the payment of teachers employed in such schools.

Board of examination. SEC. 11. *Be it further enacted*, That the board of education shall have authority to create a board for the examination of applicants for positions as teachers in the public schools in the city of Birmingham, and no person shall be elected as a teacher in such schools who shall not have received a license from such board.

Teachers. SEC. 12. *Be it further enacted*, That the board of education may in its discretion, institute annual competitive examinations before such persons as the board may select, of applicants for positions as teachers in the public schools

of said city, including licensed teachers in such schools who are applicants for re-election as teachers.

SEC. 13. *Be it further enacted*, That all laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 16, 1885.

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No. 310.] AN ACT [S. 250.

To authorize the Commissioners Court of Sumter county to grant authority to the intendant and town council of Livingston to use, control and improve the grounds of the public square in said town.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, To improve the Commissioners Court of Sumter county shall have town of Livingston. power to grant to the intendant and town council of Livingston, in said county, authority to use, control and improve the grounds of the public square of said town; *Provided*, such use, control and improvement shall not interfere with the use of said grounds for county purposes; and *Provided further*, that said Commissioners Court shall have power to revoke this authority at any time they deem it for the public good.

SEC. 2. *Be it further enacted*, That all laws in conflict herewith be, and they are hereby repealed.

Approved February 16, 1885.

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No. 311.] AN ACT [S. 264.

To authorize the Court of County Revenues of the county of Wilcox, to establish or abolish districts in which stock may be prevented from running at large.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Court of County Revenues of Wilcox county may establish districts in said county in which Stock running at large in Wilcox county. stock shall not be allowed to run at large, or they may abolish such districts heretofore or hereafter established,

and such order may only apply to hogs, or to goats, or to sheep, or to cattle, or to mules, or to horses, or to any one or more of such kind of stock.

Petition of  
freeholders.

SEC. 2. *Be it further enacted*, That whenever any ten freeholders petition said court in writing, stating that they desire an order to be made establishing a district wherein stock shall not be allowed to run at large, fully describing such district and stating that they reside in such district, or if such petition is to abolish such a district or a portion thereof, heretofore or hereafter established, the petition must describe the district clearly, and the petitioners must reside therein; that in either case the petition must be filed with the probate judge at least thirty days before the November term of said Court of County Revenues, and he must cause a notice of said application to be posted at the court house door and copies thereof to be posted in three public places in the district described in the application or petition; *Provided*, that where a newspaper is published in the county, at least one notice of said application shall be given in such paper of the day of hearing such application.

Court of county  
revenues to  
hear petition.

SEC. 3. *Be it further enacted*, That said Court of County Revenues must, if such petition or application is filed before the November term of said court, and such notices are posted as above provided, hear the petitions, and any person that may be opposed thereto, and must make an order granting or dismissing such petition, in whole or in part. Such order must clearly describe therein such district established or abolished. Such order shall go into effect on the first day of March thereafter. If such order abolishes a district or a portion thereof heretofore or hereafter established, such order shall operate as a repeal of the order or law establishing such district or portion thereof abolished by such order.

Liability of the  
owner of stock.

SEC. 4. *Be it further enacted*, That the owner of any stock running at large in any district established under the three preceding sections of this act, shall be liable to the party injured for any damage done by said stock to any land or crops, fruit trees, shrubbery or other property in such district, and the party injured shall have a lien superior to all other liens on the stock doing the damage, for all damages done by such stock, together with the costs provided for in this act.

SEC. 5. *Be it further enacted*, That when districts

are established under the three first sections of this act, it shall be the duty of the justices of the peace within the beats or parts of beats included in such districts, to select and locate suitable and convenient places for public pounds within their beats or parts of beats; said pounds shall in no case be more than six miles apart. Said justices of the peace shall also in their beats or parts of beats, select and appoint suitable persons to keep said pounds. It shall be the duty of said pound keepers to have safe and suitable lots or enclosures for the safe keeping of all stock, to provide water and food suitable and sufficient, and take proper care of all stock committed to his care. Said pound keepers shall, before entering upon the discharge of their duties, each execute bond, to be approved by the justices of the peace of the beat in which his pound is located, payable to the judge of probate of the county, in a sum not less than one hundred dollars, conditioned faithfully to perform all the duties required of him by law, and any person injured by the negligence or other act of said pound keeper, may bring action on this bond in the name of the probate judge, for his use.

Duty of justice  
of the peace.

Duty of pound  
keeper.

SEC. 6. *Be it further enacted*, That when any stock is found running at large within the districts established under the provisions of this act, any person may take up such stock, carry or convey the same to the nearest pound and deliver such stock to the pound keeper, who shall give a receipt therefor, describing the stock so received by color, mark, brand or other means so that it may be identified; also the day and hour when he received the stock. If the party carrying any stock to the pound, claims any damage has been done by said stock, he shall in writing state what damage has been done, when done, and the amount, and deliver such statement or claim to the pound keeper.

Claim of dam-  
ages.

SEC. 7. *Be it further enacted*, That the owner of any stock thus impounded, may at any time claim and take his stock upon payment of such fees and charges as may be due, and such damages as may be claimed, but if he dispute the amount of damages and refuses to pay the same, he may give bond to the pound keeper, payable to the party claiming damages, in such sum as the pound keeper may demand, not to exceed double the amount claimed, conditioned to pay all costs and damages which may be recovered against him. If any one is damaged

Owner to pay  
fees & charges.

by stock in any district established under the provisions of this act, the party damaged may sue the owner and recover such damages as he may have sustained, but if the stock doing the damage has been impounded he shall not bring such action until the lapse of three days after such impounding.

SEC. 8. *Be it further enacted*, That the pound keeper shall register the marks, brands and color of all stock received and sold by him, and shall be entitled to the following fees, per day: For every animal of the horse or mule kind, 40 cents; for every animal of the cow kind, 30 cents; for every animal of the sheep, goat or hog kind, 12½ cents.

Estrays.

SEC. 9. *Be it further enacted*, That when stock is impounded and not claimed within fifteen days, such stock shall be considered and treated as estrays, and the pound keeper shall proceed as now provided by law for estrays.

SEC. 10. *Be it further enacted*, That the provisions of this act shall apply to all districts heretofore established by said Court of County Revenues.

Who have jurisdiction.

SEC. 11. *Be it further enacted*, That justices of the peace and notaries public, and ex-officio justices of the peace, shall have jurisdiction in matters of damages, under this act, as in other cases.

SEC. 12. *Be it further enacted*, That all laws in conflict with this act, so far as the same relate to Wilcox county, are hereby repealed.

Approved February 16, 1885.

No. 312.]

AN ACT

[S. 269.

To amend sections six, eight, ten, eleven and thirteen of an act entitled "an act to regulate the mode of selecting, drawing and impanelling grand and petit jurors for the county of Mobile," approved February 20, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 6 of an act entitled "an act to regulate the mode of selecting, drawing and impanelling grand and petit jurors for the county of Mobile," ap-

proved February 20, 1883, be amended so as to read as follows: Sec. 6. Be it further enacted, That at least twenty days before any regular or special term of the City Court which may be held in said county, after the said boxes have been prepared as directed in the preceding section of this act, it shall be the duty of the judge of probate to call the said commissioners together, at his office, in order to draw the necessary grand jurors for such court, and a sufficient number of petit jurors to serve for the first two jury weeks therein. When a sufficient number of said commissioners shall have met and organized, one commissioner shall, in the presence of the rest, draw from the "City Court jury box" thirty names, from which twenty-one names shall be selected by the jury commissioners, which shall be recorded, as they are selected, in the said jury book. The names of the persons so drawn and not selected, shall forthwith be returned to the jury box, and those selected shall appear and serve as grand jurors at the approaching term of such court. Of the twenty-one names drawn and selected as grand jurors, it shall be the duty of the court to impanel a grand jury of not less than eighteen. If, on account of absence or excuses allowed by the court, the number of grand jurors is reduced below eighteen, the court shall order the clerk to draw in open court a number of names, which, in the opinion of the court, may be necessary to complete the grand jury, and such persons the sheriff shall be ordered to summon forthwith as grand jurors, and from those who appear the grand jury shall be completed, if enough appear to complete the grand jury up to eighteen, if not, this process shall be continued until the grand jury is completed. The court shall have power to excuse any person summoned as a grand juror, for good and sufficient cause. The names of all persons, drawn as grand jurors, but not impanelled, shall be returned to the jury box. After the jury commissioners have drawn and selected the grand jury, one commissioner shall draw thirty-six names from said box, and these shall be recorded as the petit jurors for the first jury week of said term, and in the same way thirty-six more names shall be drawn and recorded as petit jurors for the second jury week of said term; from these the court may impanel two juries of twelve each, and impanel eight as tales jurors for the week, to supply vacancies that may occur in the regular

To regulate the mode of drawing jurors in Mobile co.

City court jury box.

Grand jury.

Petit jurors.

Tales jurors.

Box locked  
and sealed.

Probate judge  
to deliver jury  
box to the city  
court.

juries. If from any cause the number of petit jurors for the week is reduced below thirty-two, the court may order the clerk to draw from the jury box, in open court, such a number of names as may appear to be necessary to complete the regular and tales jurors to twelve for each regular jury, and eight tales jurors, and such jurors the sheriff shall be ordered to summon forthwith, and from such jurors, who shall appear, the regular juries shall be completed to twelve, and the tales jurors to eight. This process shall be continued until the regular juries are completed and eight tales jurors impanelled. The court may, at any time, impanel only enough petit jurors to do the business of the week. The names of all persons drawn as petit jurors, who are not impanelled, shall be returned to the jury box. *And it is further provided,* that in all drawings of names to complete juries, grand or petit, no slip shall be considered drawn from said box upon which is written the word "county." If such slip or slips be drawn, they shall be returned to said box, and others drawn until the requisite number be obtained bearing the word "city." As soon as the jury commissioners have drawn the juries herein provided for, said box shall be locked and securely sealed by the presiding officer of said commission, and the key delivered to the judge of probate. As soon as the said drawing is ended, the said slips which have been drawn shall be delivered to the clerk of the City Court, who shall carefully preserve the same until the meeting of said court. It shall be the duty of said clerk to direct at once, to the sheriff, three writs: In one of which he shall be commanded to summon the persons drawn as grand jurors, and named in said writ, to appear in said City Court upon the day stated in said writ; in the other writs, the sheriff shall be commanded to summon for the first two jury weeks of said term the persons drawn as petit jurors, and named in said writs, to appear in said court at the times stated in the writs. As soon as the City Court shall convene, it shall be the duty of the judge of probate to deliver to said court, when in session, the "City Court jury box" and the key of the same to the clerk of said court, who shall remain the custodian of said box and key as long as said court shall remain in session. Before said court shall adjourn, it shall be the duty of the judge thereof to direct the clerk to lock and securely seal said box in

open court and then return it, with the key, to the judge of probate.

SEC. 2. *Be it further enacted*, That section 8 of an act entitled "an act to regulate the mode of selecting, drawing and impanelling grand and petit jurors for the county of Mobile," approved February 20, 1883, be amended so as to read as follows: Sec. 8. Be it further enacted, That after said Circuit and City Courts shall have convened, it shall be the duty of the presiding judges of said courts to direct the respective clerks of said courts to draw out of the respective jury boxes delivered to said courts, a sufficient number of jurors to serve for the remainder of the terms of said courts, as such jurors may be required for the business of said courts. Such drawings shall be conducted in the following manner: The presiding judge of either of said courts, at such time as he may select, shall direct the clerk to draw, in open court, from the jury box belonging to that court thirty-six jurors, whose names shall be recorded as they are drawn, and entered upon the minutes of said court, and such jurors shall be summoned by the sheriff to appear in such court for such week of the term as the presiding judge shall direct, and if the presiding judge of either court shall see fit at any drawing to direct the drawing of a sufficient number of jurors to serve for two weeks, he shall have the power so to order; and said jurors shall be drawn and summoned accordingly. When any jury or juries drawn and summoned under the terms of this section shall be incomplete from any cause, the judges of said courts respectively shall direct the completion of said jury or juries or tales jurors in the precise manner as marked out for the completion thereof in the sixth section of this act.

Clerks to draw out a sufficient number of jurors.

If incomplete.

SEC. 3. *Be it further enacted*, That section 10 of an act entitled "an act to regulate the mode of selecting, drawing and impanelling grand and petit jurors for the county of Mobile," approved February 20, 1883, be amended so as to read as follows: Section 10. Be it further enacted, That all jurors drawn and summoned under the provisions of this act, shall be impanelled and sworn as the general law of this State directs. And all juries organized under the terms of this act shall be subject to the same challenges which the general law provides, except that no person shall be challenged on ac-

Challenges.

count of not being a householder or freeholder; and in cases of felonies, other than capital felonies, the defendant shall be entitled to only ten peremptory challenges, and the State to six; and in cases of misdemeanor the defendant shall have five peremptory challenges and the State three. And all defaulting jurors shall be subject to all the penalties which the general laws provide.

SEC. 4. *Be it further enacted*, That section 11 of an act entitled, "an act to regulate the mode of selecting, drawing and impanelling grand and petit jurors for the county of Mobile," approved February 20, 1883, be amended so as to read as follows: Section 11. Be it further enacted, That whenever any person stands charged in the Circuit or City Court of said county with a capital offense, or whenever two or more persons stand so charged, who are to be tried together, it shall be the duty of either court, when such cause is set for trial, or at such time thereafter as the presiding judge may select, to make an order as to the number of jurors, in addition to the regular jurors who shall be drawn for the week in which such trial is fixed to take place, that shall be drawn for the trial of such accused person or persons. Such order shall fix the number of such additional jurors, not less than twenty-six nor more than seventy-six. The judge shall then direct the clerk to draw from the jury-box, in open court, the number of additional jurors specified in such order, and as the names of such additional jurors are drawn they shall be entered upon the minutes of such court, and the slips so drawn shall be preserved by the clerk in a separate package until disposed of, as hereinafter directed. As soon as practicable after such drawing, the said clerk shall direct a writ to the sheriff commanding him to summon the persons so drawn and named in the writ, to appear and serve upon the trial of such cause upon the day named in the writ. If the defendant is in actual custody, the sheriff shall deliver to him a copy of the indictment, and the list of the jurors so drawn for his trial, including the regular jurors drawn for the week in which such trial is fixed to take place, at least one entire day before the day appointed for his trial.

Sheriff to deliver copy of indictment to defendant. If the defendant is not in actual custody and has counsel whose names are entered on the docket, such counsel must, on application, be furnished at some time before the trial with a copy of the indictment, and a list of the

jurors drawn for his trial, including the regular jurors who may be drawn for the week in which such trial is fixed to take place. On the trial of a person or persons charged with a capital offense, the slips containing the names of the regular jurors drawn for the week in which such trial is set, together with the slips containing the names of the additional jurors drawn, shall be folded or rolled up and placed in a box, or some substitute therefor, and shaken together, and such officer, as may be designated by the court, must, in the presence of the court, draw out such slips, one by one, until the jury is completed. But if said slips are all drawn out and the jury is not completed, then the judge shall direct the clerk to draw from the jury-box a number of names which may appear to the court necessary to complete said jury, and the sheriff shall be directed to summon them to appear in said court forthwith, and when his return is made the slips containing the names of such talesmen so drawn, shall be placed in said box, or substitute therefor, and drawn out as hereinbefore directed; and if such number is exhausted and said jury is still incomplete, the same proceedings must be continued until such jury is completed. But it is expressly provided that in drawing any talesmen to complete any jury under the terms of this act, no slip shall be considered drawn from the jury-box upon which is written the word "county." If such slip be drawn it shall be returned to the jury-box and others drawn until the requisite number be obtained bearing the word "city." If any slip drawn under the provisions of this section be lost or destroyed, its place shall be supplied by another prepared by the clerk, in open court, under the inspection of the presiding judge. In impanelling a jury, under this act, to try a person or persons charged with a capital offense, the court must inquire into and pass upon the qualifications of jurors in the manner prescribed by the laws of Alabama, and all challenges shall be allowed to the State and to the defendant which the general law provides, except that no juror shall be challenged on account of not being a householder or freeholder, and the defendant shall have only fifteen peremptory challenges and the State ten. After such jury shall have been inpanelled, the judge shall direct the clerk to return to the jury-box the names of every person drawn

Mode of drawing jurors.

If slip is lost or destroyed.

Exempts.

as a juror in such cause, except the names of such as have been actually sworn to try said cause, and of such as prove themselves to be permanently exempt from jury duty, and of those who have permanently removed from the county, and of those who are dead, and the names of the regular jurors impanelled for the week.

Commissioners  
to refill box.

SEC. 5. *Be it further enacted*, That section 13 of an act entitled an act to regulate the mode of selecting, drawing and impanelling grand and petit jurors for the county of Mobile, approved February 20, 1883, be amended so as to read as follows: Section 13. Be

it further enacted, That whenever said jury commissioners shall ascertain the fact that less than two hundred names are contained in either of said jury boxes, it shall be their duty to convene at once and refill such box by a new selection in the manner provided by the fifth section of this act; the names of those, however, still remaining in said boxes shall be retained as a part of the names with which said boxes shall be refilled, so far the same shall appear to be subject to jury duty. And jury commissioners shall have the power at any time to examine the contents of said boxes or either of them, in order to ascertain whether it is necessary to refill the same. But if from any cause during the session of the City or Circuit Court the names of jurors marked "city" are exhausted from the box or reduced to so few that a jury can not be conveniently or promptly obtained or completed therefrom, and the business of the court would be delayed by waiting for a refilling of the box by the commissioners, the presiding judge of the court, where such inconvenience occurs, may summon the custodian of the jury box of the other court to bring with him such box with the key thereto, and the clerk will open the same, in the presence of the court, and draw therefrom a number of slips containing the names of jurors sufficient to organize or complete the jury, in the same manner and according to the same rules as provided by this act for the drawing of jurors from the box belonging to such court. And after such drawing is had the clerk will re-

Comm'rs may  
examine con-  
tents of box.

Fasten and se-  
cure box.

place in such box the slips containing the names of those jurors who are drawn but not impanelled, and then in the presence of the court will fasten and secure the box as it was fastened and secured when brought into such

court, and deliver the same with the key to its proper custodian.

Approved February 16, 1885.

No. 313.]

AN ACT

[S. 283.

To authorize the mayor and aldermen of Birmingham to issue bonds of said city for an amount not exceeding ten thousand dollars, for the purpose of building a south side market house and engine room in said city, on the southside of the railroads, and to purchase a lot whereon to build such south side market house and engine room.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the board of mayor and aldermen of Birmingham be, and they are hereby authorized to issue the bonds of said city of Birmingham to an amount not exceeding ten thousand dollars, or so much thereof as said board may deem necessary for the purpose hereinafter named, in sums of one hundred and five hundred dollars, one half of each, and payable at such time and place as said board may designate, not exceeding fifteen years from the date thereof, and redeemable at the pleasure of said city, at any time after the period of five years, with coupons attached, bearing interest at a rate not exceeding eight per cent. and payable annually to bearer.

SEC. 2. *Be it further enacted,* That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto; and the said city treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

SEC. 3. *Be it further enacted,* That the said mayor and aldermen of Birmingham are hereby authorized to do any and all things authorized by this act, which may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents duly appointed by them for that purpose, at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularities, neglect or

omission in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Negotiate and  
sell.

SEC. 4. *Be it further enacted*, That the mayor and aldermen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than ninety cents on the dollar, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, and to be used and applied to pay for a lot to be purchased by said board, and for the building material and erection of a south side market house and engine room on said lot in and for said city; such use, payment and application of said proceeds to be under the direction and by authority of said board of mayor and aldermen, and the said city treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as for other city funds or money in his hands as such treasurer, and there shall be no commission paid said city treasurer for disbursing the funds arising from the sale of the bonds named in this act.

City treasurer  
responsible for  
proceeds.

Bonds only to  
be used as spe-  
cified.

SEC. 5. *Be it further enacted*, That it shall be unlawful for the said board of mayor and aldermen, or any member thereof, or any of the officers of said city of Birmingham, to apply the proceeds of the sales of any of the bonds issued by authority of this act to any other purpose than that hereinbefore specified.

May mortgage  
to pay.

SEC. 6. *Be it further enacted*, That for the better security of the payment of said bonds at maturity, the said corporate authorities may execute to the trustees, or in such manner or form as may be deemed best for the city, a mortgage upon the real estate upon which the said building is to be erected and upon the building so erected, and may also pledge for this purpose the rents, income, and profits arising from said building, and said mortgage may be signed and executed by the mayor in such manner as the board may direct.

Rents and in-  
come as sepa-  
rate fund to pay in  
interest.

SEC. 7. *Be it further enacted*, That the rents, income, and profits arising from said building shall be received and kept separate and apart from the rest of the general revenues of said city; and such rents, incomes and profits, except the necessary amount for repairs and insurance, or

as much thereof as may be necessary, shall at least once in each year, be applied to the payment of the interest then due upon said bonds, and if an excess remains, the same may be applied to the interest on the sanitary bonds of said city; *Provided*, that so much of said rents, income and profits as may be necessary shall be set aside as a sinking fund to pay off said bonds.

SEC. 8. *Be it further enacted*, That the bonds and coupons thereof herein authorized to be issued shall, <sup>Bonds & coupons receivable for taxes.</sup> as they respectively mature and become payable, be received for all city taxes in said city of Birmingham.

Approved February 16, 1885.

No. 314.]

AN ACT

[S. 300.

To amend the charter of the city of Uniontown, county of Perry, State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the city of Uniontown, in the county of Perry, State of Alabama, shall be and <sup>Corporate name.</sup> continue a body politic and corporate, by the name of the city of Uniontown, and by this name may sue and be sued, plea and be impleaded, grant, receive and do all other acts as natural persons in respect to the powers herein granted, and may purchase and hold real, personal and mixed property for the benefit of said city, and dispose of the same, and may have and use a seal which may be changed or altered at pleasure.

SEC. 2. *Be it further enacted*, That the corporate <sup>Corporate limits.</sup> limits of said city of Uniontown shall be, and the same are hereby designated and established as follows: That the corporate limits of said city of Uniontown shall embrace all the territory included in a square formed as follows: Commencing at a point one-fourth of a mile north of the public cistern where it now is, and running thence east one-fourth of a mile, thence south one-half a mile, thence west one-half of a mile, thence north one-half of a mile, thence east one quarter of a mile to place of beginning. And *Provided further*, that the said corporate authorities of the city of Uniontown shall have police jurisdiction of the territory embraced between four (4)

lines one-eight mile distant from, and parallel to the boundary lines of the said corporation herein before defined.

Government to  
consist of mayor  
or and 6 coun-  
cilmen.

SEC. 3. *Be it further enacted,* That the government of said city shall consist of, and its corporate power be exercised by a mayor and six (6) councilmen, who shall be qualified voters of said city and who shall be elected as herein provided, annually, on the first Monday in March, by ballot, by the male inhabitants of said city of or over the age of twenty-one (21) years who are citizens of the United States, or who have legally declared their intention to become so, and have resided in the State of Alabama twelve (12) months and in the city three (3) months next preceeding such election, and are qualified electors under the general election laws of the State, and are registered as hereinafter provided; and should the election not take place on the day fixed for annual election of mayor and councilmen, the corporation for that cause shall not be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the mayor and councilmen to fix some day, as early as convenient within one (1) month thereafter, on which day the said election shall be held, and should the mayor and councilmen fail or neglect to provide for the election as herein directed, they shall be guilty of a misdemeanor. And in case of a vacancy from any cause, either in the office of mayor or councilmen, the vacancy shall be filled by election by the remaining members of the board at its next regular meeting after such vacancy occurs. For the time being the present mayor and councilmen are to continue in office until their successors are duly elected and qualified as herebefore provided.

Elections.

SEC. 4. *Be it further enacted,* That at said election there shall be one polling place, and it shall be the duty of the mayor and city council to provide for the opening of said polls and to give fifteen (15) days notice by publication in some newspaper published in said city or by posting in three (3) public places in said city, of the time and place of holding such election and the names of the inspectors of the election. The said mayor and councilmen shall appoint three (3) persons who are qualified electors of said city as inspectors of said election, and the said inspectors shall have full power and authority to

keep order at the place of holding said election, and to commit to the calaboose of said city for a period of time not exceeding twenty-four (24) hours, any person or persons who shall make or attempt to make any disturbance at the place of holding said election so as to interfere with the peaceable and orderly conducting said election, and the city marshal is hereby commanded to obey and into execution all orders or processes issued by the said inspectors.

SEC. 5. *Be it further enacted*, That at least twenty (20) days before the first Monday in March, it shall be the duty of the mayor and councilmen to appoint one or more persons to act as registrars of voters and to designate the place or places of registration. Said registrars shall respectively commence registration not less than fifteen (15) days before said election and shall faithfully continue the same until the Saturday preceding the said election, at which time the said registration shall be closed. Each of said registrars shall give at least three days notice by advertisement in some newspaper published in said city, or by posting in three (3) public places in said city of his or their appointment and of the time and place at which he will attend, and make registration of voters as hereinbefore required, and should any of the registrars so appointed fail to act or from any cause a vacancy should occur in said appointment, then the board shall appoint some other person in his stead. Before registration is made of any applicant therefor, the registrar must be satisfied by personal knowledge or otherwise that such applicant is or will be by the then ensuing election a qualified elector of the said city, and the said registrar being so satisfied must thereupon place the name of such applicant upon the registration list, with his age, color and such other description as may be easily intelligible. And the said registrar immediately after closing such registration shall make an alphabetical list and certify said original list and copy thereof, over his signature, and deliver the same to the clerk of the city, who shall file the original in his office and deliver the certified copy to the inspectors of the election.

Registration  
of voters.

Notice of open-  
ing registr'ion  
books.

SEC. 6. *Be it further enacted*, That before entering upon the discharge of his duties, the said registrar shall make oath before the mayor that he will faithfully and

Registrar to be  
sworn.

truly cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other persons. For violation of his duty as such registrar, he shall be guilty of a misdemeanor.

SEC. 7. *Be it further enacted*, That the inspectors of elections for city officers or at any other election in said city, before entering upon the discharge of their duties, shall select two clerks; said clerks and inspectors shall make and subscribe the following oath, to be administered to them by the mayor, or either of their number:

State of Alabama,

Perry County.

Oath of inspectors and clerks

I, \_\_\_\_\_, do solemnly swear that I will perform the duty of an inspector or clerk according to the law to the best of my judgment, and that I will not myself or knowingly allow any other person to compare the number of the ballots with the number of the votes enrolled. \_\_\_\_\_

No votes received except from those registered.

Inspectors of any election shall not receive the vote or ballot of any person whose name does not occur on the official copy of the registration list as furnished by the clerk, and does not on demand make satisfactory proof of his identity with the person whose name may be on said registration list. For the purpose of such election, the official copy furnished to the inspectors by the clerk shall be taken to be correct, but subject, if error be alleged, to be corrected by comparison with the original registration list on file in the clerk's office. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line upon said official registration list over the name voted. The said inspectors shall immediately after the polls are closed proceed to count the ballots cast and certify the number of votes polled for each person for city officers, or for any other officers or thing voted for, which certificate shall also show which are the highest on the list, and the inspectors shall return and file said certificate with the clerk of the city and from the general certificate of the inspectors the mayor and councilmen shall ascertain and declare who are duly elected by the votes cast, and the persons who shall receive the greatest number of all votes cast which were given in for the respective offices shall be declared elected; *Provided*, that where there are three or more persons candidates for the same office; the

one receiving the plurality of votes shall be declared elected.

SEC. 8. *Be it further enacted*, That should there be an equal number of votes between any two or more persons who shall have been voted for at said election and an election shall thereby fail, it shall be the duty of the mayor and councilmen to declare, and in case there be no mayor, or in case the mayor neglect or fail to do, then the councilmen to declare the fact that no election has taken place because of the tie vote, and to issue a notice for a new election to be held within not less than thirty days thereafter to fill the place or places, not filled by reason of a failure to elect, which notice shall be given, and a new election held in the same manner and form as hereinbefore required for a regular election. Tie vote.

SEC. 9. *Be it further enacted*, That immediately after the count of the vote, the inspectors shall inclose the ballots cast, together with the poll and registration lists of the city, in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box, with its contents, to the clerk of the city, who shall give to said inspectors his receipts for the said box, stating in said receipt the condition of said box when received by him, and the said clerk shall preserve the same for thirty days, and if there be no contest he shall, at the expiration of this time, cause the same to be burned in his presence, but in the event of a contest they shall be delivered to the court trying the same. Disposition of ballots after election.

SEC. 10. *Be it further enacted*, That any election held under this act may be contested in the same manner as is or may be provided for by the laws of this State for the contest of the election of judge of probate, and shall, so far as applicable, apply to the contest of elections held under this act. Contest.

SEC. 11. *Be it further enacted*, That any person offering to vote at any municipal or other election of the city of Uniontown may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote whom he knows or suspects not to be qualified under this act as an elector. When any person is challenged if his ballot be not withdrawn, one of the inspectors must tender him the following oath: "You do solemnly swear that you will fully and truly answer all questions Challenge.

that may be put to you touching your qualifications as an elector." The inspectors or one of them must then examine him as to his qualifications under this act. When a vote is so challenged the same must be counted by the inspectors, but such vote must be deposited in a separate box and designated as a contested vote.

**SEC. 12.** *Be it further enacted,* That any person who falsely personates another and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter, to which he is not entitled, or attempts by such false personation of another to obtain such registration, after having once voted at such election, votes a second time or attempts to vote a second time, or shall vote at such election when not entitled to do so, or shall falsely cause his name to be registered as a person entitled to vote when he is not entitled, or shall falsely attempt to do so, or, after having once obtained registration, shall cause himself to be registered a second time, or attempts to obtain a second registration, whether in the same or another name, or shall aid or assist another not entitled, knowing him not to be entitled, to vote or obtain registration as a voter, or shall wilfully give a false answer to any question put to him by any inspector or registrar, shall be guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary or hard labor for the county for the space of not less than six months nor more than one year.

**SEC. 13.** *Be it further enacted,* That a majority of the board shall be required to transact any corporate business, but any number, not less than three, may assemble at their regular place of meeting and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe; that the board may determine the rules of its proceedings; may fine its members for absence or disorderly conduct. In the absence of the mayor, at any meeting of the board, the members present may select a presiding officer, and in case of sickness or temporary absence of the mayor from the city, or inability to serve from any other good cause, he may appoint any one of the councilmen to act as mayor during such sickness or absence, and such mayor *pro tempore* shall have all the power of the mayor and shall perform all the duties of the same.

Penalty for illegally voting or registering.

In absence of mayor, board may appoint.

SEC. 14. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city requires it; he shall keep an office in said city and hear and determine all cases of all violations of all by-laws or ordinances or charter of said city, and punish the offenders in such manner as the board, ordinances and charter may direct; he shall receive such fees and salary as may be prescribed by the board, and the mayor shall possess, within the corporate limits of said city, all the powers and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, that he shall not be required to take jurisdiction, try or determine any cause, civil or criminal, as *ex officio* justice of the peace, that has not already come before him as mayor of said city. From any judgment or decision of said mayor, as such, an appeal may be taken by the defendant to the next term of the Circuit Court of Perry county, upon the defendant's entering into bond, payable to the city of Uniontown, with two good securities, for such sum as the mayor may require, not less than twice the amount of the fines or judgments and costs, conditioned to prosecute such appeal to effect, and to pay and discharge such judgment as the Circuit Court may render; *Provided*, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor. The said appeal when so taken shall stand for trial at the first term of the Circuit Court of Perry county, and shall then be tried and determined *de novo*, unless some good cause be shown for a continuance. The mayor shall have jurisdiction of all proceedings by motion, *scire facias*, or other writ, instituted for the collection of any penal bond, payable to said mayor and councilmen of Uniontown, taken under this act, and from his judgment, rendered in such proceeding, execution thereon may issue and be enforced as executions from justice's court. The said mayor shall have the right, when the good or safety of the city may require it, to call upon or require the aid of the sheriff of Perry county and his deputies, and may also require the aid and support of volunteer or military companies in said city, for the protection of said city. He may punish any con-

Duties & powers of mayor.

Appeal.

May'r may call upon sheriff.

tempt while holding his court, or while the board are in session, by fine, not exceeding twenty-five dollars, and by imprisonment for not longer than five (5) days, one or both; he shall, at least once in every six months, make a statement to the board, in writing, of the financial condition of the city, which such statement shall be published in a newspaper published in the city, or, if there be none, then notices posted in three public places in the corporate limits. He shall have the power to suspend the marshal, or any policeman, until the next meeting of the board, and report to said meeting the fact of such suspension and the cause thereof. He shall do and perform such other duties as the board may require.

SEC. 15. *Be it further enacted*, That the board may appoint a city marshal, policemen, clerk, tax collector, tax assessor, treasurer, street superintendent, public weigher and such other officers as they may see fit and think necessary for the good government of said city and to carry out the powers herein granted, and may prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may remove and discharge any of its officers or employees at pleasure, and fix the salaries of the same. For any breach of the bond of such officers suit may be brought in the Circuit Court of Perry county, Alabama, or before any court having jurisdiction of the same, and such suits shall be governed in the same manner as other like suits. The board shall keep a regular record of all proceedings, orders, regulations, resolutions, and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor when approved by the board, and the same shall have the force and effect of a record, and a copy thereof, certified by the clerk, shall be *prima facie* evidence in any court of record or elsewhere, and said record shall, at all times, be open for inspection.

SEC. 16. *Be it further enacted*, That the marshal shall have in said city all the powers of constable under the laws of this State, and be entitled to all the fees of such constable when they are not otherwise prescribed by the board. He shall possess within the limits of said city all the powers of a peace officer. He shall execute the orders, notices and processes of the board or of the mayor-

Board may appoint marshal and policemen.

Record of all proceedings.

Marshal's authority.

and shall have power, if the board so ordain, to make arrests with or without a warrant, and he shall perform such other duties as the board may prescribe; *Provided*, that he shall not be compelled to execute any process as constable, or to perform any of the duties of constable, except by order of the board, or of the mayor or acting mayor.

SEC. 17. *Be it further enacted*, That the said mayor and councilmen shall have full and complete power:

1. To make, adopt and declare motions, by-laws or ordinances in whatever manner and upon whatever subject to carry out the power herein granted, and for the good government and order of said city as they may think proper, and to affix thereto such penalties for a violation of the same by fine, not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, one or both; and all persons convicted for breach of any by-laws or ordinances, failing to pay or secure such fine may be imprisoned for such failure, or placed to hard labor for the city until such fine and costs are paid, in such manner as the board may direct, not longer than thirty days. Pow'rs of mayor and councilmen.

2. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said city, and to preserve the health thereof; to establish and regulate a board of health; to establish and regulate an effective quarantine within said city and within ten miles thereof, and to punish any breach of quarantine laws. Laws and ordinances.

3. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found. Prevent nuisances.

4. To establish, set up, and regulate hospitals and poor-houses, work-houses and houses of correction.

5. To license, tax, regulate or restrain theatrical or other amusements; the selling, retailing or giving away of spirituous, vinous, malt and other intoxicating liquors. Licenses.

6. To restrain or prohibit gaming houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots, and all unlawful assemblies and public indecencies. Restrain gambling.

7. To appoint and regulate night and day watchmen, police, patrol and officers thereof. Watchmen.

8. To divide the city into wards, and to regulate and change the same. Wards.

- Regulate mar-  
kets & licenses.
9. To establish, regulate and control markets and market houses and to license the same; to license peddlers in a wagon, on horseback or on foot; bowling alleys and billiard tables, or tables of any device or kind from which any kind of profit is derived to the keeper; dealers in pistols, bowie-knives, dirk knives, or brass knuckles; peddlers of medicines or articles of like character, the selling of sewing machines, auctioneers and all transient persons who offer goods of any kind for sale, or at auction, on the streets, or in store houses, feats of legerdemain or slight-of-hand, or other exhibition or entertainment, concerts or lectures when an admission fee is charged; and to regulate and license the selling of fruit, beef, pork, mutton, fish and other like commodity upon the streets of said city, and to regulate and license carriages, hacks, wagons, drays and carts kept for public use; to tax and license livery stables, and horse and mule drovers, keepers of stud horses, jacks and bulls: *Provided*, the sums charged for such licenses do not exceed the sums established by the revenue laws of the State, when there is any charge made by said laws, except as hereinafter provided.
- Public wells.
10. To sink, repair and regulate public wells and cisterns; to establish water works and gas works, and when the same are located without the corporate limits to have all needful power and jurisdiction over the same; to establish and regulate street lamps, fire-plugs and hydrants and to control the same.
- Open streets.
11. To open up new streets, to widen or to change the direction of streets upon making compensation to the owners of land taken for public use as is hereinafter provided.
- Drains and  
sewers.
12. To establish and build drains, sewers and reservoirs, and to compel the owner or owners of lots on real property to ditch and drain the same at the expense of the owner, and to punish the owner or person in charge of the same for refusal or neglect to comply, by fine or imprisonment or both.
- Parks.
13. To establish and lay out public parks and regulate the same.
- Fire limits.
14. To establish, regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove

any wooden building or structure, paying the owner therefor a reasonable price therefor.

15. To lay out, regulate and control city cemetery Cemeteries, and burial grounds and to sell lots in the same.

16. To prevent the running at large upon the streets, Impound stock all cattle, hogs, dogs or other animals, or fowls of any description, and to pass all laws necessary for the sale and impounding of the same.

17. That the mayor and councilmen of Uniontown Assess and collect taxes. shall have exclusive power and authority to levy, assess and collect a poll tax from the inhabitants of said city liable to such tax, if not exceeding \$3.00 per capita, to be used and applied as the board may direct; said tax to be assessed and collected by such officers as the board may appoint, under such rules and regulations as the board may prescribe, such officers to have the same rights, powers and remedies for the collection of said poll tax as are now given to the tax collector and other officers of Perry county.

18. To regulate and control the running of engines or Engines and trains. trains within the corporate limits of said city.

19. To pass all laws necessary and proper for the arrest with or without warrant of any person against whom Arrest without warrant. there is a charge made of violating any city or State law, and to confine such person until tried, convicted or discharged by law.

20. To make and ordain all necessary laws concerning Paupers and vagrants. idlers, paupers, vagrants and disorderly persons in correcting and restraining their vicious habits; and all persons convicted of a breach of the by-laws and ordinances of said city failing to pay such fine and cost that may be imposed by the court trying the same, may be placed at hard labor for the city until such fine and costs are paid and in case any person put to hard labor for the city, fail to work faithfully, he may be tried for such failure by the mayor or acting mayor, and if convicted shall be punished by fine not exceeding one hundred dollars and by additional hard labor not exceeding thirty days, one or both.

21. To punish all persons who in any manner obstruct the marshal, or other officer, in the lawful discharge of his duty, or any person who, when called upon Punish parties obstructing officers. to assist in an arrest, fails to render such assistance.

22. To pass by-laws and ordinances in relation to

Auctioneers.	<p>auctioneers carrying on their business on the streets and to regulate and prohibit the same.</p>
Weights and measures.	<p>23. The said board shall have power to pass and establish inspection laws within the city for the weighing and measuring of all kinds of produce and provisions for man and beast, and to provide for the inspection and gauging of wines, liquors, malt liquors, kerosene and illuminating oils.</p>
Buildings.	<p>24. To regulate and control the manner of building partition walls and partition fences, and to regulate the keeping, carriage and storage of gun-powder, blasting-powder, wool, rags and other explosive and combustible materials within said city, to regulate and control the cleaning and sweeping of chimneys, the use of lights, stove-pipes and flues in all stores, warehouses, shops, stables, kitchens, residences, offices and other places in the corporate limits, and in the territory over which the said corporate authorities may have police jurisdiction.</p>
Sidewalks.	<p>25. The said board shall have power to pass by-laws, ordinances and resolutions for the grading and paving of any sidewalk in said city, and to provide for the payment therefor in such manner as shall not be inconsistent with the Constitution of the State.</p>
Permits to build.	<p>26. The said board shall have power to pass by-laws or ordinances and regulations for the erection of any house or building within said corporate limits by requiring the applicant, before the erection of any building, to obtain a permit for the erection of the same from the board, under such rules and regulations as they may prescribe.</p>
Slaughter houses.	<p>27. They shall have full power to regulate or prevent slaughter-houses, and to regulate or prevent the penning of stock or cattle within the corporate limits.</p>
Removal of officers.	<p>28. Any officer may be removed by a two-thirds vote of the board at a regular meeting of the same; <i>Provided</i>, that the party shall be given ten days notice of the charge or charges against him, before the board, after a regular hearing of the same, shall vote upon the charges or charge as preferred, which shall in all cases be specific.</p>
Business licenses.	<p>29. The said board shall have power to pass by-laws, ordinances and resolutions for the licensing of such businesses and vocations as are now licensed by the State; <i>Provided</i>, such license does not exceed the revenue laws of the State except as hereinafter specified, and to impose</p>

and collect licenses on the following businesses not licensed by the revenue laws of the State, and other business, whether licensed by the State or not, the same not to exceed the following amounts: Auctioneer, \$100 00; barber shops, for each chair, \$10 00; banks, and bank agents and dealers in exchange, \$50 00; commission merchants and brokers, whether by sample or otherwise, \$50 00; express companies, each, \$50 00; hotels, each, \$25 00; restaurants, each, \$25 00; life, fire and other insurance companies (except such are under the control of secret and fraternal societies), each, \$10 00; livery stables, \$25 00; livery and sale stables, \$50 00; dealers in fish and oysters, or either, \$25 00; transient physicians and venders of patent medicines, \$50 00; undertakers, \$25 00; keepers of studs or jacks and bulls, \$25 00; telegraph companies, \$50 00; carts, drays, wagons, hacks, coaches or omnibuses, each, \$25 00; warehouse and public weighers, \$50 00; dealers in commercial fertilizers, \$25 00; dealers (other than general dealer) in wagons, buggies or carriages not manufactured in the town, \$25 00; watchmakers, doing business for himself, each, \$10 00; bakers, each, \$10 00; tin shops, each, \$10 00; printing office, \$10 00; coal or wood yards, each, \$10 00; lumber yards, each, \$25 00; brick yards or dealers in bricks, \$10 00; dancing masters, \$10 00; skating rinks, \$10 00; ice cream saloons, \$10 00; real estate agents, \$25 00; telephone exchanges, each, \$100 00; plumbers or gas fitters, each, \$10 00; ice factory, \$25 00; lightning rod agents, \$25 00; drummers or commercial agents selling to consumers, each, \$50 00; retailers of liquors (bar rooms), \$600 00; peddlers on foot, on horseback and in wagons, \$50 00; fruit venders from stands or on streets, \$50 00; beef, pork, mutton or vegetable venders after certain hours, \$25 00; horse and mule drovers, \$100 00; on dogs, *provided, however*, that one dog shall be exempted to each head of family householder, \$15 00. The said board shall have the power to assess, levy and collect taxes on all property in said city for each year not exceeding one-half of one per centum on the value thereof as assessed for State taxation the previous year, which said taxes shall be assessed and become due, and delinquent at the same dates as State taxes are by law.

Sec. 18. *Be it further enacted*, That the city of

**Prior lien.**

Uniontown shall have a prior lien upon all real and personal estate assessed for taxes over and above all other liens that may exist thereupon, except those of the State, and upon all sales made under and by virtue of such assessments, the tax collector of said city shall, by a deed, convey to such purchaser of such sale or sales a title superior in the order of priority of liens to that of any liens then existing save those of the State; *Provided*, that when a tax is assessed upon property, the owners of which are not known, sixty days notice of the sale, specifying the amount of the tax, shall be given in some newspaper published in Perry county before said sale; *and provided further*, that no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching said sale shall show that the taxes so assessed on said property and all penalties and costs accruing on such assessment and the proceedings for sale, were paid at the time of such sale.

**Sale of property for taxes.**

SEC. 19. *Be it further enacted*, That the said board is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes, whether said real estate and personal property belongs to residents or non-residents or to persons unknown, and to authorize the sale of any lot or subdivision of lot or so much of the property as may be necessary to pay the taxes due, and that the owner or any one for him, or any mortgagee or any person having a lien be allowed at any time within two years from date of sale to redeem the same on paying the purchaser or city clerk for him double the amount of taxes, costs and expenses of sale paid by the purchaser, and five dollars for the expense of reconveyance and the legal interest on the amount paid at such sale, from the date of sale to the date of redemption; the right of redemption in reference to improvements made by purchasers shall be governed by the State law; any surplus arising from said sale to be paid into the city treasury, to be kept by said officer as a separate fund for the owner upon the responsibility of this bond, and that the board may by its agent purchase real estate sold for taxes, and in such event the deed for the same

shall be made to the mayor of said city and his successors in office, to be held by him for the city, which may be redeemed as other land sold for taxes as aforesaid, and when so redeemed, the mayor shall reconvey to the owner at the expense of the latter as aforesaid.

SEC. 20. *Be it further enacted*, That the mayor and councilmen of said city shall have power to collect all taxes of said city, and all fines and forfeitures imposed for violation of any town ordinance by execution, levy and sale and from the operation of such execution, no property of any citizen of said city or other person shall be exempt; *Provided*, that this mode of collection shall not prevent the collection of such in any other manner herein provided. *Be it further enacted*, that said board shall have authority to require all male inhabitants of said city, who have resided therein ten days and who are between the ages of eighteen and fifty years, to work upon the streets of said city for at least five days in each year under the direction of such officer as the board may appoint; *Provided*, that any person so required to work may relieve himself from so working by paying into the city treasury a sum not more than five dollars; *Provided further*, that the inhabitants of said city shall be exempt from working on roads or highways outside the limits of said city. *Provided further*, that no male inhabitant of said city, between the ages of eighteen and fifty years, shall be exempt from the operation of this section, except such as the board may hereafter exempt by ordinance.

SEC. 21. *Be it further enacted*, That whenever any person is in the custody of the city authorities, before or after conviction of a violation of the city ordinance, and is held for such by said city, and such prisoner has violated any State law and is charged therein, such prisoner shall be held by said city authorities until such time as the sentence of the mayor shall be fully performed and discharged, except in such cases where the party is demanded by the State authorities under a charge of felony; and the said city authorities shall deliver said prisoner to the sheriff of Perry county, and such city officers in actual charge of said prisoner in the event of an escape of such prisoner through the fault or negligence of such officers during the time they so held the prisoner, shall

Fines and forfeitures.

Deliver prisoners to sheriff of Perry county.

be liable for such escape, and shall be punished as is prescribed by the State law for an escape.

SEC. 22. *Be it further enacted*, That the board may pass laws compelling persons to work upon the streets or elsewhere who refuse to work when being under sentence of the mayor for a violation of any city ordinance. Be it further enacted, that in case the said city has not at any time sufficient room in its calaboose for the confinement of its prisoners, such prisoners may be confined in the county jail until the board can provide for their confinement in the calaboose or city jail, and while such persons are confined in the jail the sheriff of Perry county shall receive for keeping and feeding such prisoners the same compensation as is allowed him for keeping other prisoners.

SEC. 23. *Be it further enacted*, That said mayor and councilmen shall have power and authority to levy, assess and collect a poll tax from all male inhabitants of said city who are over the age of eighteen and under forty-five years.

SEC. 24. *Be it further enacted*, That said mayor or councilmen shall have the right to build and construct underground sewers and ditches through private property anywhere in said city, or anywhere over which said city has police jurisdiction, paying the owner therefor a reasonable sum for such right or damage done to said property, and for the purpose of ascertaining such damage the mayor and councilmen shall appoint one disinterested party, the owner of said property shall choose one and these two shall elect a third, and these three shall view the premises, see the facts, assess the damage and report their verdict to the mayor and councilmen. The amount so assessed shall then be paid the owner of said property by the mayor and councilmen.

SEC. 25. *Be it further enacted*, That the present charter of the town of Uniontown and all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; *Provided*, that no prosecution, suit or claim whatever pending or to be brought under existing laws, shall in any manner be affected, impaired or altered by the passage of this act, and all existing laws and ordinances of said town adopted in pursuance of law, shall be and remain in force until repealed or modified by the mayor and councilmen of Uniontown,

and all the powers granted by this act shall and must be liberally construed in favor of the city to pass such laws.

Approved February 16, 1885.

No. 315.]

AN ACT

[S. 308.]

To incorporate the Opelika Seminary.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That there shall be established in the city of Opelika, in the county of Lee, a school of high grade, to be known as "The Opelika Seminary," and that D. M. Banks, W. J. Samford, Geo. P. Harrison, jr., R. M. Greene, J. C. Condon, J. M. McNamee, and J. W. R. Williams, and their associates and successors in office, be and they are hereby declared a body corporate and politic, by the name and style of "The Board of Trustees of the Opelika Seminary," and as such shall be capable of suing and being sued, pleading and being impleaded, and to have and to use a common seal, to break, alter or amend the same at pleasure. To incorporate Opelika seminary.

SEC. 2. *Be it further enacted,* That the said board of trustees, their associates and successors in office, under such rules and regulations as they may establish, shall have power to elect a president and such other officers of their body as they may think proper; and for the use and benefit of said seminary shall be capable of acquiring, by purchase or otherwise, of accepting, receiving and being invested with all manner of property, real and personal, and also all donations, gifts and grants, and to sell and dispose of the same as they think proper; *Provided,* however, the property so held shall not, at any one time, exceed the sum of ten thousand dollars. Board of trustees.

SEC. 3. *Be it further enacted,* That the said board of trustees, their associates and successors in office, or a majority of them, shall be authorized to grant diplomas, certificates, or other evidence of scholarship, to pass such by-laws, rules and regulations for the government of their body and said seminary as may be deemed necessary; *Provided,* such by-laws, rules and regulations shall not be Diplomas.

repugnant to the constitution and laws of the State of Alabama.

Approved February 16, 1885.

No. 316.]

AN ACT

[H. B. 297.

To further provide for the establishment of stock districts, in which stock may be prevented from running at large in the counties of Wilcox, Russell and Monroe.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That whenever the Commissioners Court or Board of County Revenue, of either of the counties of Dallas, Wilcox, Russell and Monroe, shall establish in either of said counties a district or districts in which stock shall not be allowed to run at large under the act approved February 28, 1881 (Acts of 1880-81, p. 163), said Commissioners Court or Board of County Revenue, may prescribe, in the order establishing any such district or districts, that such order shall only apply to hogs, or to goats, or to sheep, or to cattle, or to mules, or to horses, or to any one or more of such kind of stock.

SEC. 2. *Be it further enacted,* That all laws and parts of laws contrary to the provisions of this act, be and the same are hereby repealed.

Approved February 17, 1885.

No. 317.]

AN ACT

[H. B. 236.

To confer additional powers upon the corporate authorities of the city of Montgomery, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the following powers, in addition to those already granted, are hereby vested in and conferred upon the city council of Montgomery:

1. It shall be lawful for said city council from time to time, and in such manner as said city council may determine, to pave, gravel, or macadamize any street, in whole or in part, within the corporate limits of said city, when-

Additional  
powers.

ever said city council may deem it necessary or expedient to do so, and for that purpose said city council is hereby authorized and empowered to adopt and provide the means therefor, and to pass all such by-laws and ordinances as may be required for assessing the owners of the property to be benefitted thereby, for such amounts as may be fair and reasonable, not to exceed one-half the cost of the construction thereof, and of the expense of laying down the same, and also to collect and enforce such assessments by levy as in the case of other taxes; such assessments to be made on property on both sides of the street, or parts of streets, thus improved per front foot; on the street so improved the assessment not to exceed in any case more than one-fourth of the cost of the improvement in front of the property nor more than ten dollars per front foot of property taxed; *Provided*, that corner property which has been assessed for the improvement of the street on one front shall not be assessed for the improvement of the street on the other front exceeding one-eighth of the cost of the improvement on such front, nor exceeding \$2.50 per front foot.

2. The mayor, recorder or aldermen of said city of Montgomery trying any person for any violation of any of the by-laws or ordinances of said city council, shall upon the conviction of any such person have power to fine or to imprison or to fine and imprison him, or to sentence him to labor upon the streets or public works of the city or for the city, and in the event the fine and costs are not paid to require the offender or person thus in default to work out the fine and costs under the direction of the city authorities; *Provided*, that no fine shall exceed one hundred dollars, and no imprisonment or hard labor on the streets or public works or for the city shall exceed six months. In cases where the parties tried before the mayor, recorder, or any alderman of said city, are dissatisfied with any judgment rendered by said mayor, recorder or alderman, he or they may forthwith appeal to the Circuit Court of Montgomery county or to the City Court of Montgomery, by giving bond with good security to be approved by the mayor, recorder or alderman trying the case, conditioned to pay and satisfy the judgment, with costs in case the said judgment shall be affirmed by said appellate

court, or to pay such judgment as said appellate court may render on such appeal; but unless such bond be given within five days from the date of the judgment of the mayor, recorder or aldermen, then no appeal shall be allowed from such judgment. The proceeding on such appeal when the bond is approved as hereinabove provided, shall be in all respects as prescribed by law in case of appeal from the judgment of a justice of the peace in civil cases, except as herein otherwise provided. If such defendant fail to appear in said appellate court, when the cause is called for trial, the judgment of the mayor, recorder or alderman shall be affirmed by said appellate court, and judgment therein shall be rendered against the defendant and the sureties on his appeal bond, for the amount of the fine imposed by the mayor, recorder or alderman, and the costs of the appeal and ten per cent. damages, unless good cause is shown to the court for his absence or default, and in case the defendant appears and judgment is rendered by said appellate court for money, the court must also render judgment against his sureties on the appeal bond, for the amount of such judgment and costs of the appeal; and if the judgment of said appellate court be that the defendant be imprisoned, or put to hard labor for the city, then the court shall render judgment against the defendant and his sureties on the appeal bond for the costs of the appeal, and for the costs of the trial before the mayor, recorder or alderman, and must render the defendant to the city authorities for punishment. In case of the death of the party appealing, the action may be rendered by or against his personal representative in all cases where the cause of action may be properly revived. On the trial of any such appeal cases in said Circuit Court of Montgomery county or in said City Court of Montgomery, any code or book containing the by-laws and ordinances of the said city of Montgomery and purporting on the face thereof to be printed by authority of the said city council, shall be received as evidence of the contents thereof without further proof. From the judgment of said Circuit Court of Montgomery county or said City Court of Montgomery, the city of Montgomery may appeal to the Supreme Court of the State.

In case of the death of party appealing.

Approved February 17, 1885.

No. 318.]

AN ACT

[H. B. 206.]

To make all fines and forfeitures in Geneva county payable only in United States currency.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all fines imposed by any jury or court in Geneva county, or forfeitures of any bond which should be for the use and benefit of Geneva county, shall be paid in United States currency, and the same must be paid into the county treasury by the sheriff or other officer collecting the same, for the payment of fines and forfeiture claims against said county, as provided by law for the payment of such claims by the county treasurer.

Fines and forfeitures in Geneva county.

SEC. 2. *Be it further enacted*, That all laws or parts thereof, so far as they shall conflict with the provisions of this act, be and are hereby repealed.

Approved February 17, 1885.

No. 319.]

AN ACT

[H. B. 182.]

To repeal sections 3286, 3287 and 3288 of the Code of 1876.

*Be it enacted by the General Assembly of Alabama*, That sections 3286, 3287 and 3288 of the Code of 1876, be and the same are hereby repealed; *Provided*, that this act shall not go into effect until the first of January, 1886; *Provided*, that this repeal shall not affect any right or remedy existing in any person under said sections of the Code on the first day of January, 1886; *Provided*, the advances are due at that date; *Provided further*, that this act shall not apply to the counties of Franklin, Marion, Lamar, Fayette, Dale, Geneva, Pickens, Barbour, Shelby, Sumter, Covington, Lauderdale, Limestone, Calhoun, Cleburne, Colbert, Lawrence, Madison, Butler, Conecuh, Escambia, Monroe and Baldwin.

Repeal of sections of Code.

Approved February 17, 1885.

No. 320.]

AN ACT

[H. B. 172.]

To repeal an act to increase the criminal jurisdiction of justices of the peace and notaries public, having like powers, in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, approved February the 8th, 1877, so far as it relates to the county of Clarke.

Repealed.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to increase the criminal jurisdiction of justices of the peace and notaries public, having like powers, in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion, approved February 8th, 1877, be and the same is hereby repealed, so far as the same applies to the county of Clarke.

SEC. 2. *Be it further enacted,* That this act shall take effect from and after its passage.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved, February 17, 1885.

No. 321.]

AN ACT

[H. B. 100.]

To amend sections 1630, 1631 and subdivision two of section 1649, and subdivision five of section 1646 of the Code, as to Greene county.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections 1630, 1631 and subdivision two of section 1649, and subdivision five of section 1646 of the Code, be and the same is hereby amended so as to read as follows:

§ 1630 (1321). *Persons Exempt.*—All females and all male persons under the age of eighteen years and over forty-five years of age, and all persons who, by reason of permanent disability, are unable to perform manual labor, and who shall procure certificates of such disability from the Commissioners Court of the county in which they reside, are exempt from working on public roads, except

Persons e.  
empt fr'm road  
duty.

such persons as may be convicted of a felony by any court of this State:

§ 1631 (1322). *Extent of Liability to Work.*—All of the parties liable to perform road duty, as above provided, shall work ten days in each year, each day to consist of at least eight hours labor actually performed, not counting the days engaged in opening new roads, but no person or hand is liable to work any public road, every part of which is distant more than six miles from his residence.

§ 1649 (1341). *Duty of Overseers.*—It is the duty of overseers of public roads to call out the persons and hands subject to work on their road precinct, and to work with the same ten days in each year, each day to consist of at least eight hours labor actually performed. And it shall be the duty of the overseer, before each term of the Circuit Court in his county, to report to the apportioners of his road precinct, whether each hand assigned to him has worked out the number of days above required, and on failure to so report, shall be guilty of a misdemeanor. Duty of overseer.

*Be it further enacted,* That subdivision five of section 1646 of the Code of Alabama, be amended so as to read as follows:

5. It shall be the duty of one of the apportioners to attend court and report to the grand jury the number of hands apportioned to the overseers by them, the grade of the road and the number of days reported by the overseer to have been worked by each hand on the road, and any apportioner failing to comply with the requirements of this subdivision shall be guilty of a misdemeanor, and on conviction shall be fined not more than one hundred dollars.

SEC. 2. *Be it further enacted,* That the provisions of this act shall apply to the county of Greene, and shall not apply to any other county in this State.

Approved February 17, 1885.

To amend an act entitled an act to incorporate the Alabama and Mississippi Coal Company, and to change the name of such corporation to the Corona Coal Company.

*Be it enacted by the General Assembly of Alabama,*

Act to incor- That an act entitled an act to incorporate the Alabama  
rate "Corona  
Coal Co." and Mississippi Coal Company, approved February 12,  
1883, be and it is hereby amended to read as follows :

Section 1. *Be it enacted by the General Assembly of*  
*Alabama, That George S. Gaines, D. J. Gibson, H. P.*  
*Gaines and John S. Gaines of Walker county, Alabama,*  
*W. J. Kelly of Marion county, Tennessee, and John M.*  
*Billups, J. O. Banks, J. V. Harris, W. H. Sims, J. H.*  
*Field, T. C. Billups, J. F. Hudson, C. H. Cocke, W. H.*  
*Lee, J. S. Billups and Joe P. Billups of Lowndes county,*  
*Mississippi, and such other persons as may be hereafter*  
*associated with them, be and they are hereby created a*  
*body politic and corporate, with perpetual succession, un-*  
*der the name and style of the Corona Coal Company, and*  
*by that name may sue and be sued, plead and be im-*  
*pleaded in all the courts of this State or elsewhere ; may*  
*contract or be contracted with, may purchase, own, hold,*  
*sell and convey property, real, personal and mixed, may*  
*borrow money and issue the bonds of the company there-*  
*for, secured by a mortgage on its property, and may ac-*  
*quire land in payment of debts or for subscriptions of*  
*stock or otherwise, and do and perform everything which*  
*may pertain to the business of mining, transporting, man-*  
*ufacturing, buying and selling of coal, coke, iron, slate,*  
*cement, bricks, rock and lumber, and all other things con-*  
*connected with the business of said company, which by the*  
*laws of this State an individual may do and perform,*  
*and shall have the power to make all contracts for*  
*motive power to drive machinery, and to use steam or*  
*water or both for the same; may have a common seal,*  
*and alter the same at pleasure; and may make and pre-*  
*scribe such rules, regulations and by-laws as it may see fit*  
*to make and prescribe with reference to its affairs not in-*  
*consistent with the provisions of this charter, or the laws*  
*and constitution of this State or of the United States.*

SEC 2. *Be it further enacted,* That the capital stock

of said company is hereby fixed at five hundred thousand dollars, but that said company may organize and com- Capital stock.  
 mence business when twenty thousand dollars have been  
 subscribed and paid up. The said capital stock shall be  
 divided into shares of one hundred dollars each, and Shares.  
 transferable only on the books of the company in such  
 mode and manner as the by-laws of the company may fix  
 and prescribe. Within twelve months after the granting  
 of this charter, said corporators, or a majority of them,  
 shall open the books of said company for subscriptions to  
 said stock, at the city of Columbus, in Mississippi, and  
 when twenty (20) thousand dollars of said capital stock  
 has been subscribed and paid up as above mentioned, said  
 subscribers may hold a meeting at said last mentioned  
 place, and proceed to organize said company as above pro-  
 vided.

SEC. 3. *Be it further enacted,* That for mining and Mining and  
 manufacturing purposes said company shall have the manufact'ring  
 power to construct and operate a railroad or tramway for purposes.  
 its own use and purposes to and from its works or places  
 of business, or to connect with some navigable stream, or  
 with some existing railroad, or other public highway, not  
 to exceed fifteen miles in length; and shall have the right  
 to condemn for the use of such road the right of way in  
 the lands over which the road may pass, on payment to  
 the owner thereof, of just compensation, and the general  
 laws of this State applicable to writs *ad quad damnum*  
 shall apply in all such cases.

SEC. 4. *Be it further enacted,* That the officers of  
 said company shall consist of seven directors, who shall Directors.  
 be chosen by a majority of the votes cast by ballot by the  
 stockholders at the organization of the company, and an-  
 nually thereafter by a majority of such votes of the stock-  
 holders in like manner in a meeting to be provided for in  
 the by-laws of the company; and at such election and at  
 all meetings of the stockholders, each stockholder shall be  
 entitled to one vote for each share of stock held by such  
 stockholder. The directors so elected shall organize by  
 choosing one of their number as president, and another President.  
 of their number as vice president, whose duties shall be  
 prescribed in said by-laws, and who shall hold their office  
 during the term they shall be chosen as directors of said  
 company. A majority of said directors shall constitute  
 a quorum, and said directors shall hold their office for

Secretary and  
treasurer.

Directors man-  
age and con-  
trol business.

Annual meet-  
ings.

General office.

Power to erect  
and maintain  
factories, &c

Issue addition-  
al stock.

one year and until their successors are chosen and proceed to act. Said directors shall also choose a secretary and a treasurer of said company, who shall hold their office for one year, or for such term as may be prescribed in said by-laws; *Provided*, that said two officers last mentioned may be united in the same person. The said directors shall manage and control all the business of the company and exercise all of its corporate powers; and fill vacancies in their number, which may occur between the annual elections, and shall have the further power to appoint such other officers and agents of the company as they may deem best.

SEC. 5. *Be it further enacted*, That at each annual meeting of the stockholders at which directors are chosen, the old board of directors shall, through their president, make a report in writing upon the condition of the affairs of the company, showing the assets of every description and the indebtedness of the company, the amounts of its receipts and disbursements during the foregoing year, and the salaries paid each officer and agent of said company for such year; said report, before submission, shall be sworn to by the president, and the secretary and treasurer of the company, before some officer authorized by law to administer oaths.

SEC. 6. *Be it further enacted*, That the general officer of said company shall be at such place in Alabama as may be designated in the by-laws of said company in accordance with the demands of its business, and all elections and meetings of said stockholders shall be held where such principal or general office is situated at the time of such meeting or election; *Provided, however*, that said company may be sued wherever in this State it is engaged in mining or manufacturing, by service of process on any officer or agent of said company.

SEC. 7. *Be it further enacted*, That said company shall have the power to erect and maintain all buildings, factories, warehouses, store-houses and appurtenances which it may deem necessary for its business, and may buy and sell such articles of provisions and merchandise as it may see fit, to supply its laborers, employers or customers.

SEC. 8. *Be it further enacted*, That after its organization, said company may, by a vote of its stockholders to that end, from time to time, issue additional stock, upon payment for the same in full to *bona fide* sub-

scribers, until all the capital stock of the company is taken up; *Provided*, that when a new issue of stock is determined on, the stockholders in said company shall first be allowed thirty days to subscribe and pay for such new issue of stock, and if all such stock is not taken up thus by the old stockholders, then the company may sell what remains of the proposed issue to any one else applying and paying for the same.

SEC. 9. *Be it further enacted*, That no stockholder in said company shall be permitted to use or borrow the money of said company, nor shall any stockholder be personally or individually liable for any of the debts or obligations of said company beyond the amount due by him to the company on stock subscribed for. Restrictions.

Approved February 17, 1885.

No. 323.]

AN ACT

[S. 385.

To repeal an act entitled an act for the relief of the sheriff of Sumter county, approved March 1st, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act for the relief of the sheriff of Sumter county, approved March 1st, 1870, be, and the same is hereby repealed; *Provided*, that this shall in no wise affect the present incumbent of the office during the current term of office. Relief of sheriff of Sumter co.

Approved February 17, 1885.

No. 324.]

AN ACT

[S. 381.

To provide for the recovery of taxes by the mayor and aldermen of the town of Decatur.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That if any person owing taxes to the town of Decatur fails or refuses to pay his or her taxes due to the said corporation of the town of Decatur, as assessed by the officer appointed by the mayor and board of aldermen, for any year prior to the passage of this act, the Recovery of taxes, town of Decatur.

mayor and aldermen of the said town of Decatur may recover said taxes so assessed from said delinquent tax payer, by action of debt before any court having jurisdiction of the action.

List of taxes  
certified by  
clerk to be  
evidence.

SEC. 2. *Be it further enacted*, That a list of the taxes so assessed against said delinquent tax payer certified by the clerk of said town of Decatur, shall be *prima facie* evidence of the correctness of said assessment, and that the amount of the taxes so assessed are due and unpaid.

Approved February 17, 1885.

No. 325.]

AN ACT

[H. B. 705.

To prevent the sale, giving away or delivering or otherwise disposing of any spirituous, vinous or malt liquors, intoxicating bitters or any other intoxicating drinks at or within the localities in this State hereinafter designated, to-wit: Within three miles of Hopewell Baptist Church, in Cottondale beat No. 15; within 5 miles of Bethany Baptist Church, in Hughes beat No. 19; within five miles of Sardis Baptist Church, in Smith's beat No. 14 in Tuscaloosa county; within one and a half miles of Mount Pleasant Church and academy, in Crenshaw county; within five miles of the academy at Seale, in Russell county; within the limits of Fayetteville, beat No. 10, in Talladega county; within two miles of Elam Church, in beat twelve, in Tallapoosa county; within five miles of Antioch Church, in Talladega county; within four miles of Providence Church, in precinct No. nine, (9) St. Clair county; at or within four miles of Rhodes Chapel, St. Clair county; at or within precinct No. eight, (8) St. Clair county; within the limits of beat No. 9, known as Mountain Springs beat, Franklin county; within one mile of Tallapoosa Church, at Jackson's Gap, Tallapoosa county; within two miles of the Methodist Church, at Pettusville, Limestone county; within five miles of the pitmouth of the Corona coal mine, in the town of Corona, Walker county; within three miles of Bethlehem Church, Shady Grove Church, Union Chapel, Sharon Church, Beaver Dam Church and Forest Chapel, in Madison

county ; within three miles of the New Lebanon Presbyterian Church, Talladega county ; within three miles of the Baptist Church at or near Mumford, Talladega county ; within three miles of the following churches in Lamar county ; Nebo Methodist Church, Lebanon Methodist Church, New Hope Methodist Church, Newman's Chapel Methodist Church, Emman's Primitive Baptist Church, Vernon Methodist Church and Bethel Christian Church ; within two miles of Mount Carmel Baptist Church, in Chilton county ; within precinct No. seven, in Chambers county ; within beat No. seven, Shelby county ; within three miles of the M. E. Church, in the village of Mt. Andrew, Barbour county ; within three miles of Providence Church, in township fifteen range 8, west, in Walker county ; within beat No. three, (3) Shelby county ; within four miles of the court house in the town of Ashville, St. Clair county ; within five miles of the Coalburg Coal and Coke Company's mine in Jefferson county ; within two and one-half miles of New Castle school house, township thirteen (13) range five (5) east, in Etowah county ; within three miles of Liberty Church, near Howelton, Etowah county ; within five miles of Union Church, at Chunchula, Mobile county ; within the limits of Fayette county : within the limits of York beat, Sumter county ; within the limits of Cuba beat, Sumter county ; within three miles of Salem camp grounds, in Autauga ; within beat No. 6, Autauga county ; within five miles of the Methodist Episcopal Church South, at Hurtsboro, Russell county ; within three miles of Springfield Baptist Church, Pike county ; within three miles of Mount Pleasant Baptist Church, Pike county ; within three and one-half miles of Walnut Grove, Etowah county ; within six miles of Bay Minette Church, at Bay Minette ; within five miles of Perdido Church ; within five miles of Shell Bank Baptist Church, all in Baldwin county ; at or within three miles of Beulah Church, in beat 3, in Chambers county, and within the limits of precinct number nine, in Chambers county ; in beat No. 12, and within three miles of the mines of the Bibb Branch Coal and Coke Company, not including any incorporated town or city in Jefferson county ; and within six miles of Beulah Church, beat No. 14, in Shelby county ; and within

five miles of Bethany Baptist Church, in Elmore county; and within the limits of beat No. 5, in the county of Butler; within four miles of Friendship Baptist Church, in Elmore county, west of Coosa river; and within one mile of Bethsada Church; and within three miles of Pleasant Grove and Elam Churches, in Barbour county; at or within two miles of Green's Chapel, in Cleburne county.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That from and after the first day of April, 1885, it shall be unlawful for any person or persons to sell, give away, deliver or otherwise dispose of any spirituous, vinous or malt liquors, intoxicating bitters or any other intoxicating drinks at or within the localities in this State hereinafter designated, to-wit: Within three miles of Hopewell Baptist Church in Cottondale beat No. 15; within five miles of Bethany Baptist Church, in Hughes' beat No. 19; within five miles of Sardis Baptist Church, in Smith's beat No. 14, in Tuscaloosa county; within one and one-half miles of Mount Pleasant Church and Academy, in Crenshaw county; within five miles of the Academy at Seale, in Russell county; within the limits of Fayetteville, beat No. 10, in Talladega county; within two miles of Elam Church, in beat twelve, in Tallapoosa county; within five miles of Antioch Church, in Talladega county; within four miles of Providence Church, in precinct No. nine, (9) St. Clair county; at or within four miles of Rhodes Chapel, St. Clair county; at or within the limits of beat No. 9, known as Mountain Springs beat, Franklin county; within one mile of Tallapoosa Church, at Jackson's Gap, Tallapoosa county; within two miles of the Methodist Church at Pettusville, Limestone county; within five miles of the pit mouth of the Corona coal mine, in the town of Corona, Walker county; within three miles of Bethlehem Church,, Shady Grove Church, Union Chapel, Sharon Church, Beaver Dam Church and Forest Chapel, in Madison county; within three miles of New Lebanon Presbyterian Church, Talladega county; within three miles of the Baptist Church at or near Mumford, Talladega county; within three miles of the following churches in Lamar county: Nebo Methodist Church, Lebanon Methodist Church, New Hope Methodist Church, Newman's Chapel Meth-

Prohibition in  
certain districts  
in this State.

odist Church, Emmon's Primitive Baptist Church, Vernon Methodist Church and Bethel Christian Church; within two miles of Mount Carmel Baptist Church in Chilton county; within precinct No. seven in Chambers county; within beat No. seven, Shelby county; within three miles of the M. E. Church in the vantage of Mount Andrew, Barbour county; within three miles of Providence Church in township 15, range 8, west, in Walker county; within beat No. three, Shelby county; within four miles of the court house in the town of Ashville, St. Clair county; within five miles of the Coalburg Coal and Coke Company's mines in Jefferson county; within two and one-half miles of New Castle school house, township 13, range 5, east, in Etowah county; within three miles of Liberty Church, near Howelton, Etowah county; within three miles of Antioch Church in beat No. six in Jefferson county; within five miles of Union Church at Churchula, Mobile county, Alabama; within the limits of Fayette county; within the limits of York beat, Sumter county; within the limits of Cuba beat, Sumter county; within three miles of Salem Camp Ground in Autauga county; within beat No. six of Autauga county; within five miles of the Methodist Episcopal Church, South, at Hurtsboro, Russell county; within three miles of Springfield Baptist Church, Pike county; within three miles of Mount Pleasant Baptist Church, Pike county; within three and one-half miles of Walnut Grove, Etowah county; *Provided*, the provisions of this act shall not take effect so far as it relates to Mt. Andrew M. E. Church, Barbour county, the academy at Seale, Russell county, until January, 1886; *Provided further*, that nothing contained in this act shall be so construed as to prevent the sale or giving away in Mountain Springs beat, Franklin county, of wine manufactured from grapes; *Provided further*, that so much of this act as applies to Fayette county shall not take effect as to licenses now issued for selling whiskey in said county until the first day of January, 1886, but that no more licenses shall be issued after the passage of this act in said county for the sale of whiskey therein; within six miles of Bay Minette Church at Bay Minette, within five miles of Perdido Church, within five miles of Shell Bank Baptist Church, all in Baldwin county; at or with-

in three miles of Beulah Church in beat 3 in Chambers county, and within the limits of precinct number nine in Chambers county; in beat No. twelve and within three miles of the mines of Bibb Branch Coal and Coke Company, not including any incorporated town or city in Jefferson county; and within six miles of Beulah Church beat No. 14 in Shelby county; and within five miles of Bethany Baptist Church in Elmore county; and within the limits of beat No. five in the county of Butler; within four miles of Friendship Baptist Church in Elmore county west of Coosa river; and within one mile of Bethsada Church, and within three miles of Pleasant Grove and Elam Churches in Barbour county; and at or within two miles of Green's Chapel in Cleburne county; *Provided further*, that this act shall not be so construed as to prevent any person within five miles of the academy at Seale, in Russell county, Alabama, from giving or delivering spirituous, vinous or malt liquors or intoxicating bitters or drinks to any guest or any member of the family of said person at his or her private dwelling; *Provided*, this act shall not apply to wines used by any religious association for communion services, nor prevent physicians from administering said liquors to their patients when necessary.

Penalty for  
violation.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than thirty nor more than one hundred dollars, and may be sentenced to hard labor for the county for not more than three months.

Refundment of  
license money.

SEC. 3. *Be it further enacted*, That in all cases where licenses have been issued to sell any of the liquors named herein in any place or locality in which the sale is by this act prohibited, three-fourths of the sums so paid for licenses for the year 1885 is hereby refunded to the persons who paid the same, and upon proof being made to the auditor that any person has taken out and paid for a license to sell any liquors in any place in which the sale thereof has been prohibited by this act, he shall draw his warrant on the State Treasurer for a sum equal to three-fourths of the license tax so paid by the applicant, and the probate judge shall, in such cases, and in like manner, draw his warrant on the county treasurer for three-

fourths of the license tax paid by said applicant to the county.

Approved February 17, 1885.

No. 326.]

AN ACT

[S. 324.

To incorporate the Birmingham Female College.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Mrs. P. E. Scott, of the city of Birmingham, Alabama, be and she is hereby created a corporation sole and body politic, with power of succession, to continue for the period of fifty years, and that the successors of the said Mrs. Scott shall have all the corporate powers and privileges herein conferred upon her. To incorporate Birm'gham female college.

SEC. 2. *Be it further enacted*, That the name of said corporation shall be "The Birmingham Female College," and its domicil and place of business shall be in the said city of Birmingham, and that the said incorporator and her successors shall have power, under and by said corporate name, to organize, maintain and carry on, in the city of Birmingham, a college for the education of girls and young ladies, and to confer literary degrees and grant diplomas to all persons who shall complete the course of study which shall be adopted by said college, and to do and perform all other acts and things which are or may be necessary and proper in carrying out the purposes of a regular college. Corp'rate powers.

SEC. 3. *Be it further enacted*, That the said Mrs. P. E. Scott, and her successors, are hereby empowered to organize and employ a regular faculty of teachers in said college, and to maintain the same; and the incorporator, or her successors, are hereby made the principal of said college, and the president of its faculty; and no literary degree shall be conferred, nor any diplomas granted without the consent of a majority of said faculty as constituted at the time said degree shall be conferred, or said diploma shall be granted. Faculty.

SEC. 4. *Be it further enacted*, That the said Mrs. Scott, or her successors, shall have power, under said corporate name, to organize, have, own, receive and possess by gift, grant, purchase, devise, bequest or otherwise, real and Power to own property.

personal property to the extent of the value of fifty thousand dollars, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted to private corporations under existing laws.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 16, 1885.

No. 327.]

AN ACT

[S. 408.

To authorize the personal representative of Jere Ratliff, late tax collector of Blount county to recover certain taxes by suit.

Jere Ratliff to recover taxes. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the personal representative of Jere Ratliff, late tax collector of Blount county, when appointed, is hereby authorized to recover, by suit in the justice court at Blountsville, Alabama, or any other justice's court of competent jurisdiction, any taxes due and unpaid, or any balance of taxes due and unpaid, to the State of Alabama, or to the county of Blount, for which taxes said Ratliff has accounted and paid to the proper authorities, and the lien declared by law for taxes is hereby continued in full force for the benefit of such personal representative.

Approved February 16, 1885.

No. 328.]

AN ACT

[S. 415.

To establish a new charter for the town of Clayton, in the county of Barbour.

New charter for town of Clayton. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Clayton shall hereafter consist of an intendant, five councilmen and one marshal, who shall be elected biennially on the first Monday in April, by the qualified voters of said town. And said corporation shall be known and styled "the town council of

Clayton," and by that corporate name may sue and be sued, contract and be contracted with, sell, buy, grant and hold real and personal property and do all other acts incident to municipal corporations, not inconsistent with the laws and constitution of this State.

SEC. 2. *Be it further enacted*, That the corporate limits of said town shall embrace all the territory within twenty-five hundred yards square, the court house in said town where it now stands being the center of said square. Boundaries.

SEC. 3. *Be it further enacted*, That the next election held, shall be held on the first Monday in April, 1885, under rules and regulations prescribed by the present town government, as existing under the present charter; and afterwards such elections shall be held under rules and regulations to be prescribed by the town council as organized hereunder. At such election the male inhabitants of said town who have resided therein for three months next preceding such election, and are otherwise qualified electors under the State law to vote in State and county elections, are qualified voters and shall be allowed to vote. No person not eligible as a voter shall be deemed eligible to hold an office on such town council. The sitting board of councilmen are to declare what persons are elected at such elections, and are to be the judges before whom all matters of contest growing out of the same are triable. Election of officers.

SEC. 4. *Be it further enacted*, That the members elected to said town council shall, before entering upon the duties of their office, take and subscribe to the oath prescribed by the State law to be taken by persons elected under the State laws to office. Oath of office.

SEC. 5. *Be it further enacted*, That said town council shall have full power and authority to define the duties and regulate the compensation of its members and fill vacancies in the board, and further it shall have full power and authority to appoint such subordinate officers as is necessary for the proper enforcement of the town laws, prescribe their duties, fix their compensation and remove them from office in such manner as they may provide, when in the judgment it may be for the good of the town. Further, said town council shall have authority to remove any member thereof for any of the causes now provided by the statutes of the State, as a Compensation.

cause of impeachment and removal from office of any officer holding office under the State.

By-laws and ordinances.

SEC. 6. *Be it further enacted*, That said town council shall have full power and authority to pass such by-laws and ordinances for the government of said town as may be deemed necessary, not inconsistent with the laws and institutions of this State, and affix penalties for the violation of the same by way of fine and imprisonment in the common guard house of the town, or hard labor on the streets of said town not to exceed \$50 in amount and 30 days in duration.

Licenses.

SEC. 7. *Be it further enacted*, That said town council shall have full power and authority within the limits of said town to license, tax and regulate and restrain all shows, theatrical performances, lectures and exhibitions, to license or tax peddlers, to license or tax lotteries, raffles and gift enterprises or undertakings of like character; to license or tax auctioneers, in a sum not exceeding ten dollars; to license the disposal of liquors by retail in a sum not exceeding \$500; to license the disposal of liquors by wholesale in a sum not exceeding \$300; to license or tax hacks, omnibuses, drays or other vehicles running for hire in a sum not exceeding ten dollars; to license or tax hotels, eating saloons, restaurants and private boarding houses in a sum not exceeding \$25; to license or tax barbers, lawyers, dentists, physicians and druggists practicing their callings, in a sum not exceeding \$20; and further, to license or tax all other callings, trades, occupations, professions or business not otherwise above enumerated that are taxed or licensed under the revenue laws of this State.

To suppress gambling.

SEC. 8. *Be it further enacted*, That said town council shall have full power and authority in said town to suppress gambling and gambling houses, and houses of ill-repute, and to abate nuisances and to establish a fire department and regulate the operations of the same; to open and establish new streets and alleys, or discontinue the same; to establish and define a fire limit and prescribe the kind of houses that can be built therein, and generally do and perform such other acts as are necessary to carry out the objects and purposes of its creation not inconsistent with the laws and institutions of this State.

Levy and collect taxes.

SEC. 9. *Be it further enacted*, That said town council shall have full power and authority to levy, assess and

collect upon all real property in said town an annual tax of not more than five mills on the dollar on the valuation thereof as assessed for State and county taxation the preceding year; and a like tax upon all personal property and other property taxable under the laws of this State, for State and county purposes, the sites of which is in said town. The valuation of such subjects of taxation when not assessed the previous year for State and county taxes, to be ascertained and fixed by assessment under the ordinance of said town.

SEC. 10. *Be it further enacted*, That said town council shall keep in repair the streets, sidewalks and alleys of said town, and to this end is authorized to require each male inhabitant of said town between the ages of 18 and 50 years, not physically disabled, to perform labor upon said streets for a period of not more than ten days in each year; and may collect in lieu of such labor a street tax of not more than five dollars, and shall have full power and authority to require the owners of real property situated adjacent to the sidewalks in said town, to build and keep the said sidewalks in repair in accordance with the requirements of the ordinance of said town; and shall have full power and authority to enact ordinances and by-laws in reference thereto, providing for the building and repairing thereof by the town council, to be taxed against and collected out of such adjacent property, on the failure of the owners to build or repair the same on notice from the town council to do so. Repair streets.

SEC. 11. *Be it further enacted*, That for the trial of violators of town ordinances, a court to be presided over by the intendant, and in his absence by an intendant *pro tem*. shall be established and regulated by the ordinances of said town, which court shall have the authority to enforce obedience and respect to its orders, decrees and judgments that is incidental and common to courts of justice in this State. The intendant shall on giving bond and qualifying as a justice of the peace, and his jurisdiction shall be co-extensive with the corporate limits of said town. And the marshal or executive officer of said town shall have full power and authority to arrest violators of town ordinances without warrant, and in default of bail to commit them to the guard house to await trial before the intendant. Trial of offenders by intendant.

SEC. 12. *Be it further enacted*, That upon the com-

Notice of day  
to hear com-  
plaints.

pletion of the assessment of property for taxes by the authorities of said town, the said council shall appoint a day and give due notice thereof to hear complaints and correct errors in such assessment, and upon the approval of such assessment the same shall be a lien upon the property so assessed for the amount of the taxes due from such tax payer, and such lien shall be enforceable by levy and sale, in the manner in which the State lien for taxes is enforced.

SEC. 13. *Be it further enacted*, That all laws in conflict herewith be, and are hereby repealed.

Approved February 16, 1885.

No. 329.]

AN ACT

[H. B. 862.

To authorize the Commissioners Court of Greene county to establish districts in which stock may be prevented from running at large.

Stock law in  
Greene co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Commissioners Court of Greene county may establish districts in said county out of any portion thereof not embraced in the territory composing the no fence or stock law district as now established, in which stock shall not be allowed to run at large.

Petition filed  
with probate  
judge.

SEC. 2. *Be it further enacted*, That whenever any ten freeholders petition said court in writing, stating that they desire an order to be made establishing a district wherein stock may not be allowed to run at large, fully describing such district, and stating that petitioners reside in such district, that said petition must be filed with the probate judge of said county at least thirty days before the next term of the Commissioners Court, and said probate judge must cause a notice of said application to be posted at the office of said judge, and copies of said notice to be posted in three public places in the district described in the application or petition, and if a newspaper is published in said county, at least one notice of the said application shall be given in such paper of the day of hearing such application.

SEC. 3. *Be it further enacted*, That said Court of County Commissioners, at the next regular term thereof

after said application is filed, must, if such petition or application is filed thirty days before the term commences, and such notices are posted as above provided, hear the petitioners and any person that may be opposed thereto, and if such court is satisfied that a majority of the land owners or freeholders who reside in and who own land situated in said proposed district, and who are over the age of twenty-one years, are in favor of said district being established, then said Commissioners Court must make an order granting said petition or application, and shall describe in said order, on the minutes of said court, the boundary lines of said district so established. Said order to go into effect thirty days after it is made. If an order is made by said court establishing a district in which stock are not allowed to run at large therein, then, on and after the expiration of thirty days from the date of said order, it shall not be lawful for stock of any kind or description whatever to run at large in the district so established.

Notices posted

SEC. 4. *Be it further enacted*, That the owner of any stock running at large in violation of the provisions of the third section of this act, whether such owner resides or the stock is owned by parties within the limits of a district established under the provisions of this act or not, shall be liable to the party injured for any damages committed by said stock to any lands, crops, fruit trees, shrubbery or other property within the limits of said district, and the party injured shall have a lien, paramount and superior to all other liens, on the stock committing such injury or damage.

When unlawful for stock to run at large.

Penalty.

SEC. 5. *Be it further enacted*, That whenever any damage has been committed to any property in any district or limits established by said court as above provided, by stock running at large in violation of the provisions of the third section of this act, the party whose property has been damaged may, within ten days after such damage has been committed, make complaint against the owner of the stock doing the damage or injury, to a justice of the peace or notary public with jurisdiction of a justice, of the precinct in which such damage has been done, or if there be no justice of the peace, or notary public with jurisdiction of a justice, of the precinct in which such damage has been done, then to a justice of the peace, or notary public with jurisdiction of a justice,

Assessment of damages.

of any adjoining precinct in said county, describing the property damaged or injured, and the stock doing the damage; and whenever such complaint is made to the justice of the peace, or such notary public, he shall issue notice to the owner of such stock, commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from the issuance of such complaint. Said justice of the peace, or notary public, shall also issue notice to three disinterested freeholders, to be selected by him, who reside in the precinct in which such damage has been done, commanding them to assess, and report to him on the day on which the owner of said stock is required to answer said complaint, on their oaths, the extent and amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace, or notary public, shall try such cause and render such judgment therein as the law demands, but if the owner of stock does not appear and answer, the justice of the peace, or notary public, shall give judgment for the complainant for such damages as he may have sustained; if judgment be rendered for the complainant, the justice of the peace, or notary public, shall also render judgment condemning the stock doing the damage or injury to be sold for the satisfaction of such judgment and the costs of the suit, and shall issue execution on such judgment, describing such stock therein, commanding any constable of Greene county to levy upon and sell such stock for the satisfaction of such judgment and costs, and such sale shall be conducted in like manner as sales under other executions issued by justices of the peace.

**Right of appeal** SEC. 6. *Be it further enacted*, That either party shall have the right of appeal from the judgment of the justice of the peace or notary public in such cause, either to a jury or to the Circuit Court, in accordance with the requirements of the statute as now provided.

**Pen'ity to owner of stock willfully permitted to run at large.** SEC. 7. *Be it further enacted*, That the owner, party in possession of or manager of any stock, who shall knowingly suffer such stock to run at large, at any time, in violation of the provisions of this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than five nor more than twenty-five dollars, and on fail-

re to pay the same, with the costs, shall be sentenced to hard labor for the benefit of the county for not less than thirty nor more than ninety days for such fine, and for a further period sufficient to pay the costs at the rate of forty cents per day, not to exceed, however, thirty days for such costs; *Provided*, that justices of the peace, and notaries public with powers of a justice, of said Greene county, shall have jurisdiction of the cases and offenses under this section; and *Provided further*, that all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution.

SEC. 8. *Be it further enacted*, That any freeholder of said Greene county, who has been selected and notified under section five of this act, and who is liable to serve under said section, who shall fail to serve and perform the duties required of him therein, shall be guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty dollars; *Provided*, that justices of the peace, and notaries public with jurisdiction of justices in Greene county, shall have jurisdiction of offenses under this section.

Approved February 17, 1885.

No. 330.]

AN ACT

[S. 53.]

To require railroads in Escambia and Baldwin counties to keep a registry of the mark and brand of animals killed or injured by the trains or locomotives of such roads.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of all persons and companies operating railroads running over any parts of the counties of Escambia and Baldwin, whenever stock or animals of any kind are killed or injured by the trains or locomotives on their roads within said counties, to make and keep a record of the character of the animal killed or injured, with the mark and brand, or if no mark or brand, then such flesh marks as will tend to identify such animal, and keep the same open for inspection of

Railroads required to keep a record of the marks of stock killed or injured

any person upon application, at the depot nearest the place where such animal was killed or injured.

**Section master** SEC. 2. *Be it further enacted*, That it shall be the duty of the section master on whose section such killing or injury occurs, to make the record provided for in section one of this act, within three days thereafter, and return the same to the depot agent nearest the place where such killing or injury occurs, who shall keep a registry of the same open for inspection of any person upon application.

**Penalty.** SEC. 3. *Be it further enacted*, That any person or company operating a railroad in said counties, negligently failing to comply with the provisions of this act, shall be liable to a forfeiture of not less than twenty-five dollars nor more than one hundred dollars for each violation, to be recovered in an action of debt, upon the complaint of the owner or any person having an interest in the animal killed; and every section master or depot agent who fails to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction must be fined not less than twenty dollars; and justices of the peace shall have jurisdiction of suits and prosecutions under this act.

Approved February 17, 1885.

No. 331.]

AN ACT

[S. 151.]

To establish a new charter for the town of Jacksonville.

**New chart'r for town of Jacksonville.** SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporation of the town of Jacksonville shall consist of a mayor and five councilmen, and said corporation shall be known and styled "The Town of Jacksonville," and by that corporate name may sue and be sued, plead and be impleaded, grant and receive, and do all other acts, as natural persons, in respect to the powers herein granted, and may purchase and hold real and personal and mixed property, or dispose of the same for the benefit of the said town, and may have and use a corporate seal, which may be changed at pleasure.

**Boundaries** SEC. 2. *Be it further enacted*, That the corporate limits and boundaries of said town shall extend one and

one-fourth miles every way from the court house in said town.

SEC. 3. *Be it further enacted*, That the government Style of gov-  
ernment. of said town shall be styled "The Town Council of Jacksonville," and shall consist of a mayor and five councilmen, to be elected as hereinafter provided.

SEC. 4. *Be it further enacted*, That the mayor and councilmen shall be elected by ballot by the qualified voters of the town, who have resided twelve months in the State and three months in the town immediately preceding the election; *Provided*, that no insane person, or person convicted of a felony, shall vote at any such election.

SEC. 5. *Be it further enacted*, That no person shall be Who eligible  
for office. eligible to any office under the corporation who does not reside within the corporate limits, and who has not been a resident of the same for two consecutive years.

SEC. 6. *Be it further enacted*, That the election of Election. officers shall be held annually on the fourth Monday in April, and the officers so elected shall hold their offices until their successors are duly elected and qualified. Vacancies in any of the town offices, from any cause, shall be filled forthwith by the council, who shall also judge of the election and qualification of the mayor and councilmen.

SEC. 7. *Be it further enacted*, That the council shall Council to de-  
signate place. designate the place of holding elections; shall appoint three managers of the election, who shall be legal voters of the town; shall prescribe the manner of holding elections; ascertain and declare who are duly elected. In case of a tie between any two or more candidates for the same office, the council shall elect between such candidates, and decide who shall fill the office in question.

SEC. 8. *Be it further enacted*, That the marshal, clerk, Marshal, clerk  
and treasurer. treasurer, assessor, and such other officers as the council may deem necessary, not herein directed to be elected by the people, shall be elected by the council.

SEC. 9. *Be it further enacted*, That for *mal* practice, Council may  
remove officers incapacity, intemperance, or gross neglect of duty on the part of any officer of the corporation, the council shall have power, after due trial, to remove such person from office. All officers of the corporation, before entering on their duties, shall take and subscribe an oath to faithfully discharge the duties of their respective offices, which

oath shall be filed in the mayor's office. The treasurer and marshal shall also, before entering on the duties of their respective offices, execute bonds, payable to the corporation, in such amounts and with such sureties as the council may require. The council may, at any time, for sufficient cause, require of any officer a new bond in a larger amount and with other sureties.

SEC. 10. *Be it further enacted*, That a failure from any cause to elect officers on the day fixed by this act, shall not work a dissolution of the corporation, but it shall be the duty of the council to appoint some other day of election as soon as practicable, and to give due notice thereof, the incumbent officers remaining in office until their successors are elected and qualified.

SEC. 11. *Be it further enacted*, That the male inhabitants of the town shall be exempt from road duty in the county, but the streets and highways of the town shall be kept in order by the council, and for this purpose a special tax of five dollars may be levied on all the male citizens between eighteen and forty-five years of age; *Provided*, that the persons so taxed may discharge the same by work on the streets under the control and direction of the marshal or street overseer, for such number of days, not exceeding ten (10), as the council may prescribe.

SEC. 12. *Be it further enacted*, That the mayor shall preside and keep order at the meetings of the council; take a general superintendence of the affairs of the corporation; see that laws are duly executed, and that all officers and agents of the corporation perform their duties; call extra meetings of the council whenever he deems it necessary; report to the council any negligence, misconduct, or incapacity of any officer or agent of the corporation; suggest to the council such alterations in the laws or changes in the government, or enactment of new laws as he may deem necessary and proper. He shall hold a court as often as may be necessary for the speedy trial of offenders, and perform all other duties required of him by law. He shall receive such salary and fees as the council may prescribe.

SEC. 13. *Be it further enacted*, That in addition to the powers conferred on the mayor in the preceding section, section 12 of this act, he shall possess and exercise the powers and jurisdiction of a justice of the peace in Calhoun County, and be subject to all the corresponding duties

and responsibilities, and for his services in such cases be allowed and entitled to the fees which are, or may be, allowed by law, to justices of the peace; and all appeals from his judgments or decisions must be taken under such rules and regulations as are, or may be, prescribed by law for appeals from judgments from the justices of the peace, and the party or parties so appealing to the Circuit Court of Calhoun county shall give bond with security, approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the Circuit Court may render in the premises. The mayor shall have exclusive, original jurisdiction to hear, judge and determine suits, prosecutions or other proceedings for violations of the charter, ordinances or by-laws of the corporation; also all suits on any penal or official bond, payable to the mayor, or mayor and council; also of all proceedings or suits against officers of the corporation for non-payment of fines, taxes, or other moneys, collected or received on account of the corporation, and for all other delinquencies in office, and upon judgment of the mayor in any case, in either branch of his jurisdiction as mayor or justice of the peace, he may issue execution or other appropriate process, directed to, and to be executed by the marshal, which shall have the force and effect of any execution or appropriate process from any of the Circuit Courts of the State, and shall be executed by the marshal as other similar papers from such Circuit Courts.

Appeal.

Powers of the mayor.

SEC. 14. *Be it further enacted*, That the marshal of said town shall possess and exercise, within the county of Calhoun, all the powers and rights of constable under the laws of this State, and shall be entitled to the same fees for like services. He shall possess and exercise, within the limits of the corporation, in preserving the peace and making arrests, all the powers of the sheriff, as a peace officer. He shall execute the orders, notices and processes of the board to him directed, and all warrants, precepts and executions, and all processes from the mayor's court. Shall have authority to make all arrests for violations of the ordinances of the town, without warrant, and be subject to all the liabilities which the council may provide. The mayor and council may allow the marshal such salary, or compensation, in addition to

Marshal's powers.

Salary.

the specified fees to which he may be entitled, as they may deem proper. In all cases when the marshal is a party to the suit before the mayor, some disinterested person shall be appointed to act as special marshal.

**Duties of clerk, treasurer, &c.** SEC. 15. *Be it further enacted*, That the mayor and council shall prescribe the duties and liabilities of the treasurer, clerk, marshal and such other officers as they may appoint or elect.

**Nuisances.** SEC. 16. *Be it further enacted*, That said mayor and council shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the town; and provide places for the reception and care of the sick; to erect a calaboose, town hall, market house, or any other building or work necessary or expedient for the town.

**Watchmen.** The mayor and council shall have power to establish night watches whenever deemed necessary, and to license and regulate the retailing and wholesaling of liquors within the corporate limits, and provide for the annulling and revoking such license on good cause being shown; to close up, temporarily, retail liquor establishments whenever the exigencies of the times may demand it; to prohibit the retailing of spirituous liquors within the corporate limits whenever they deem it expedient; *Provided*, that this act shall in no wise or in any way interfere with the prohibition law now in force in Calhoun county. The mayor and council shall have power

**Drains and sewers.** to construct drains and sewers, and keep them in repair; to prohibit and disperse all unlawful and disorderly assemblies; to license and regulate hawkers and peddlers, and, for good cause, annul their licenses; to license, restrain and regulate theatrical and other exhibitions, or shows for money of whatever character, kind or name, and also lectures and concerts for pay; to license and regulate auctioneers, dry goods and grocery merchants, and the keepers of hotels, eating-houses, livery and sale stables, beer shops, billiard rooms, bowling alleys, stores and shops for the sale of dry goods, provisions, drugs, or other commodity whatever; to fix the price of taxes and all license granted by the corporation, and to enforce the collection thereof; to restrain gambling houses and houses of ill-fame; to establish and regulate markets; to punish and prohibit violations of the Sabbath; to keep in repair public wells; to keep in repair the streets, alleys

**Licenses.**

and avenues of the town; to widen and change the direction of streets, and to open new ones; to license and regulate hacks, carriages, wagons, carts and drays, running for hire within the corporate limits; to purchase all such real estate and personal property as may be deemed necessary and proper for the use, convenience or improvement of the town, and to provide for the payment of the same; to pave, gravel or otherwise improve any street or sidewalk; to prohibit and punish riots, affrays, assaults and batteries, breaches of the peace, indecent, rude or disorderly behavior and drunkenness; to provide for the punishment, by fine or imprisonment, or by fine and imprisonment, or by work on the streets, or other works of the town, for any breach of the charter, by-laws or ordinances of the corporation; *Provided*, that no fines shall exceed fifty dollars, and no imprisonment or work on the streets, or other work of the town shall exceed thirty days; to provide, in cases where the fine and costs are not paid by the party convicted, that the party so in default shall work out said such fine and costs under the direction of the town officers; and to pass all such laws, by-laws and ordinances as may be necessary to execute the powers in this charter granted, not contrary to the laws and Constitution of this State, nor to the restrictions expressed in this act.

SEC. 17. *Be it further enacted*, That the mayor and council shall have authority to cause the arrest of all vagrants, idle or disorderly persons, all persons of ill-fame or evil life, all such as have no visible means of support, or found drunk, all who are grossly indecent in language or behavior, all who are guilty of loud or boisterous yelling at night, or prostitutes or such as lead notoriously a lewd course of life, who shall be required to give security for their good behavior for a reasonable time; and in case of their refusal or inability to give such security, they may be confined to labor not exceeding ten days, in any one month; *Provided*, that any such penalty of labor may be discharged by the payment of such fine as the mayor may designate.

SEC. 18. *Be it further enacted*, That said mayor and council shall have power and full authority to levy taxes in the months of March and April of each year on the real and personal property within the corporate limits, except such as is or may be exempt from taxation under

the laws of this State or of the United States; on all auction sales or capital employed in business in said town, or itinerant or transient merchants or traders, sales of merchandise, all the subjects of taxation within said town on which State taxes are now or shall hereafter be levied by the laws of Alabama.

Limitation of  
taxes.

SEC. 19. *Be it further enacted*, That the said tax on real and personal property for municipal purposes shall not in any year exceed one half of one per cent. on the value of such property as assessed for State taxation during the preceding year, and shall be levied according to assessment and valuation of the property taxed made by the assessor under such rules and regulations as the board may prescribe, and in accordance with the provisions of the constitution of Alabama.

Rules and reg-  
ulations.

SEC. 20. *Be it further enacted*, That full power and authority are hereby given said mayor and council to establish such rules and regulations not inconsistent with this act, for the assessment and collection of this tax, authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same; and to impose such fines and penalties, subject to the restrictions hereinbefore expressed, for the violation of these ordinances in reference to the taxes and revenue of the town, public health, police, nuisance, vagrants, streets, public highways, parks, wells and other public improvements, cemeteries, markets, fire department and paupers as they may deem requisite and proper.

Force & effect  
of a judgment.

SEC. 21. *Be it further enacted*, That all taxes assessed or levied in pursuance of the authority conferred by this act shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed and on all the other property within the corporate limits belonging to the party against whom the same are assessed or levied, and the person appointed to collect such taxes must, on failure to pay, collect the same by law and sale of the property of the person to whom assessed, or if assessed to an owner unknown, by a sale of the property. All such sales of property, real or personal, for non-payment of taxes must be, after thirty days notice by publication in a newspaper published in said town, or by posting in three public places in said town. The person appointed to collect

Sales of prop-  
erty.

such tax shall make such sale under such rules and regulations as the board may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the board may prescribe, which certificate shall be *prima facie* evidence of the regularity of all the previous proceedings and of all the facts stated therein; and also, that all the requirements of the law in reference to the assessment and levy of the taxes and the sale of the property have been complied with; *Provided*, Redemption. however, that real estate sold for payment of taxes under this act may be redeemed at any time within two years from the date of the sale on the payment of the amount for which the property was sold, with interest at the rate of ten per cent. per annum, and all taxes and costs which have accrued thereon; *Provided further*, that infants, lunatics and married women shall be allowed one year after the removal of their disabilities for the redemption of real estate. And upon such payment being made within the period allowed for redemption, the title created by such sale and certificate shall cease and determine; and the purchaser or claimer under him shall relinquish possession, or on failure to do so be liable for an unlawful detainer.

Approved February 17, 1885.

No. 332.]

AN ACT

[S. 183.

To amend section 5030 of the code so far as the same applies to Madison county, and to reduce the fees of the probate judge one-half.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 5030 of the code of Alabama, so far as the same applies to Madison county, be amended so as to read as follows:

§ 5030 (3517). *Fees of judge of probate.*—Judges of probate may receive the following fees and no other for the services hereinafter specified: For services rendered in the incorporation of towns under the provisions of this code, two dollars and a half, to be paid by the corporation; for each entry of an estray to be paid by the taker, 25c; for each record of a mark or brand, 15c; for proving,

To amend section 5030 of the code, so far as relates to Madison county.

Fees of judge  
of probate.

acknowledging and recording the certificate of incorporation of free banking corporations under section 1954 (1654), same fees are allowed as for the same services in relation to conveyances; and to the judge of probate auditing any settlement under section 1976 (1677), two dollars and fifty cents a day; for filing statement required to be made by foreign life insurance company under section 1451 (1187), \$2.50; for filing and recording all certificates of incorporation of religious, benevolent or burial associations, \$1.00; for each certificate given under the chapter of this code in relation to hospitals, disease, infection and quarantine, 25c; for services rendered under sections 2651 (2307), 2652 (2308), 2653 (2309), 2654 (2310), 2655 (2311), 2656 (2312), 2657 (2313), 2658 (2314) two dollars and fifty cents and no more; for issuing and recording marriage license, together with consent to the marriage and certificate of its celebration, \$1.00; for celebrating rites of matrimony, \$1.00; for services rendered in legitimating and adopting children under sections 2743 (2405), 2744 (2406), 2745 (2407), 50c; for issuing writ of *ad quad damnum* for the erection of dams or public wells, twenty-five cents, and fifteen cents for each copy of such writ and application, to be paid at the time such application is made; and if publication is required the applicant must deposit with such judge an amount sufficient to cover the expenses therefor; for each notice to show cause and copy, twenty-five cents, to be paid by the applicant on the return of the inquest and before the issue of the notice; for determining on the application, one dollar, to be paid by the applicant, if the same is not contested, otherwise by the unsuccessful party; for issuing subpoenas to attend on the hearing of the application, the same fees as in other cases to be paid by the unsuccessful party for which execution may issue; for each day engaged in making division of property under provisions for the partition of property, one dollar; and for recording the proceedings of the commissioners one dollar and fifty cents; for services rendered in proceedings to have persons declared of unsound mind and guardians appointed for them such fees as are allowed by law for similar services in other cases to be paid out of the county treasury, if such person has no estate; for acknowledgment of satisfaction of lien of mechanics, employees or material men under section 3455, 25c; for services ren-

dered under sections 3440-3445 in relation to filing accounts of mechanics, employees and material men, 50c; for all orders on presenting will for probate, 75c; for examination of witnesses and order admitting will to probate, \$1.25; for presiding at the trial of contested will, for each day, \$1.50; for granting letters testamentary or of administration, 50c; for issuing and recording same, 50c; for taking, approving, filing and recording bond of executor or administrator, 75c; for granting order of appraisement or sale, 40c; for issuing order of appraisement or sale, 40c; for order removing executor, administrator or guardian, \$1.25; for granting letters of guardianship for each minor, 50c; for taking, approving and recording bond of guardian, 75c; for order to approve and record inventory and appraisement or sale, 25c; for issuing, filing and recording letters of guardianship, 50c; for order appointing commissioners to divide real or personal property and issuing writ to sheriff, \$1.50; for approving such division and entering order thereon, 75c; for order on application to sell real estate, appointing day for hearing and order for notices, \$1.25; for order appointing guardian *ad litem* on application to sell land and giving notice to such guardian, 75c; for examining testimony and granting order to sell land, \$1.25; for issuing order to sell land, 50c; for making and entering order approving sale of land, 50c; for hearing application for dower, issuing writ and entering all necessary orders and recording assignment of dower, \$2.50; for examining, stating, and reporting the accounts of executors, administrators and guardians for final or partial settlement, and appointing day for hearing, \$1.00; for appointing guardian *ad litem* for such settlement, and giving notice to same, 50c; for examining each voucher, 5c; for making decree on annual or partial settlement and order to record the same, \$1.00; for making and entering all orders (except decrees) on final settlements and order to record the same, \$1.25; for each decree twenty-five cents; for each copy of any order of publication and having same published, fifty cents; for entering all necessary orders in relation to insolvent estates, for each order, fifteen cents; for issuing all writs, citations or notices required by law and entering sheriffs return, 35c.; for filing each claim and giving a receipt therefor, 10c.; for approving every bond

## Fees.

not otherwise provided for, 25c. ; for taking every bond not otherwise provided for, 25c. ; for recording each decree from the chancery court relieving minors of non-age, 50c. ; for recording wills, inventories, sale bills, reports, decrees, deeds of conveyance, and all other instruments and all proceedings required by law to be recorded and not herein otherwise provided for, for each hundred words, 10c. ; for recording certificates, orders, transcripts, returns and records under section 1809, such fees as are allowed by law for like services in other cases ; for recording all the proceedings in each case for binding out apprentice, to be paid by the master, 50c. ; for recording in all cases, not otherwise provided for, certificates or declarations of incorporations under the laws of this State, the same fees that are allowed for recording deeds ; for taking questions, answers and recording the same in proceedings to perpetuate testimony, 15c. for each one hundred words, and for other services in relation thereto, 50c. on each application, to be paid by the applicant ; for each certificate, with the seal of office, 35c. ; for each certificate without the seal of office, 25c. ; for each commission to take depositions, 35c. ; for filing interrogatories, 10c. ; for copy of interrogatories, for each one hundred words, 10c. ; for administering each oath not herein provided for, 15c. ; for presiding in court of county commissioners and keeping minutes for each day, \$2.00 ; for receiving and paying out funds, where judge of probate becomes custodian of funds belonging to minors, under section 2809, three-fourths of one per cent. on the amount received, and the same on the amount paid out ; for trying and sealing weights and measures the judge is entitled to fifteen cents for each weight and measure so sealed, to be paid by the person presenting the same. The judge of probate is entitled to the following fees for services rendered about limited partnerships: For each acknowledgment, twenty-five cents ; for filing and recording the original certificate and acknowledgment, and each transcript of the same, fifty cents ; for each affidavit, fifteen cents ; for making out transcript and certifying the same, twenty-five cents, and the same fees on the renewal or continuance of the partnership. The fee of the probate judge for hearing application to compel a personal representative to convey land under contract of testator or intestate, and making the necessary orders and

decrees, is one dollar and fifty cents, to be paid by the unsuccessful party; for certifying alphabetical list of electors, under section 240, including expense of printing, such sum as may be allowed by the court of county commissioners, not to exceed twenty cents for every one hundred names, which shall be a preferred claim. On showing to the court of county commissioners that he has discharged his duties in relation to public roads, the judge of probate is entitled to receive, annually, not exceeding the sum of forty-five dollars, to be paid out of the county treasury. For services under section 1904 (1742), \$1.00; for receiving money under section 2629, when decree is rendered in favor of special administrator, one-fourth of one per cent. on the amount received; on all sums paid to the judge of probate as escheats under the laws of the State, five per cent.; for services rendered in the incorporation of railroad companies, the fees usually allowed in civil proceedings; for all other official duties for the compensation of which no express provision is made by law, such sum as may be allowed by the court of county commissioners, to be paid out of the county treasury, not to exceed one hundred and twenty-five dollars.

SEC. 2. *Be it further enacted*, That the probate judge of Madison county shall be entitled to no other fees or compensation than as herein provided. No other fees.

SEC. 3. *Be it further enacted*, That this act shall not take effect till the expiration of the term for which the present judge of probate of Madison county has been elected, but that it shall take effect and be binding from and after the expiration of the present term of said judge of probate. Takes effect.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act, so far as they apply to Madison county, be and the same are hereby repealed. Repeal of laws in conflict.

Approved February 17, 1885.

No. 333.]

AN ACT

[S. 220.]

To amend an act entitled "an act to provide for the compensation of jurors in Mobile county."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to provide for the compensation of jurors in Mobile county be, and the same is hereby so amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, jurors, both grand and petit, regular and tales, in Mobile county, are entitled to receive compensation for their services each, as follows, to-wit: If the juror resides more than two miles from the place where his services are rendered, he shall be entitled to two dollars for each day's service as a juror and five cents for each mile traveled in going to and returning from court, the mileage to be estimated by the nearest route from each juror's place of residence to the place of holding court, and ferriage actually paid in so going and returning; such mileage and ferriage to be allowed only for but once, going and returning. If the juror does not reside more than two miles from the place where his services are rendered, he shall be entitled to one dollar for each day's service as a juror and to nothing more. The fact of residence, if more than two miles from the place where his services are rendered, and the mileage and ferriage, when allowable, shall be proved by the oath of the juror before the clerk of the court. The clerk of the court shall, in all cases, give to each juror a certificate showing therein the number of days he has served, and if he is entitled to mileage and ferriage, the number of miles he has so traveled and the amount of ferriage he has paid and the amount of compensation to which he is entitled, which certificate shall be payable out of the county treasury; *Provided,* nevertheless, the clerk shall not issue any certificate allowing mileage or ferriage, or more than one dollar for each day's service, unless the juror claiming the same shall make oath before the clerk to the effect that he resides more than two miles from the place where their services were rendered.

Compensation  
of jurors in the  
county of Mo  
bile.

Per diem and  
mileage.

Clerk to give  
each juror a  
certificate.

Probate court.

SEC. 2. *Be it further enacted,* That jurors surviving in the Probate Court of said county in the trial of a con-

tested will, shall be allowed the same compensation as regular jurors, which must be taxed as costs by the probate judge and paid by the unsuccessful party to such contest or out of the estate of the deceased, as the judge may order; but in no case to be paid by said county.

SEC. 3. *Be it further enacted*, That jurors summoned by a coroner to hold an inquest shall be entitled to receive seventy-five cents each per day for each day's service, to be paid out of the estate of the deceased; and the coroner, if requested, shall give each juror a certificate showing the amount to which he is entitled, which shall be paid in preference and priority to any other claims against the estate except claims for burial purposes; but the said county shall not be liable to pay such compensation unless upon affidavit that no property of said decedent can be found. Fees of jury of inquest.

SEC. 4. *Be it further enacted*, That all other jurors in said county than such as hereinbefore mentioned, shall be entitled to the same compensation, to be paid in the same manner as now provided by the general laws of the State. All other jurors.

SEC. 5. *Be it further enacted*, That all laws and parts of laws, whether general or local, contrary to the provisions of this act, be and the same are hereby repealed in so far as they relate to Mobile county.

Approved February 17, 1885.

[No. 334.]

AN ACT

[S. 263.]

To amend section 4927 of the code, so far as the same relates to Wilcox county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4927 be so amended so as to read as follows:

*Fees of witnesses in criminal cases.*—Witnesses summoned on the part of the State to appear either before the grand jury, or before any court, in which a criminal prosecution is pending are entitled to seventy-five cents per day, also five cents per mile for each mile to and from their residence, by the usual traveled route, and all necessary ferriages, fees of turnpikes and toll bridges; which Section 4729 of code amended, as to Wilcox county.

fees are to be taxed against the defendant, if convicted, or against the prosecutor when the costs are imposed on him.

SEC. 2. *Be it further enacted*, That the provision of this act shall apply only to the county of Wilcox.

Approved February 17, 1885.

No. 335.]

AN ACT

[S. 274.

To constitute the town of Warrior a separate school district.

Town of Warrior a separate school district. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the corporate limits of the town of Warrior shall constitute a school district, separate and apart from the remaining school districts of the county of Jefferson.

Trustees. SEC. 2. *Be it further enacted*, That the intendant and councilmen of the town of Warrior and their successors in office, shall constitute a board of trustees for the district.

Levy tax. SEC. 3. *Be it further enacted*, That the board of trustees shall have power to levy a tax on all property, both real and personal within the bounds of such school district, not to exceed one-half of one per cent. for school purposes.

Locate schools SEC. 4. *Be it further enacted*, That said board of trustees are authorized to establish and locate the number of public schools to be taught each year within the school district, and elect teachers for the same, and perform all other duties imposed on township superintendents in the State.

To receive pro rata share of school revenue SEC. 5. *Be it further enacted*, That the town of Warrior as a special school district shall receive its proportionate share of the school revenues apportioned to the county of Jefferson, including the pro rata share of the 16th section funds of such township as lie partly within the corporate limits of the town of Warrior.

Board to manage revenue. SEC. 6. *Be it further enacted*, That the board of trustees as constituted in the act, shall control, manage and disburse all revenues which may be raised by special tax or otherwise for the maintenance of the public schools

within the limits of the town of Warrior, and under such rules and regulations as the board of trustees may prescribe.

SEC. 7. *Be it further enacted*, That the trustees shall have power to buy lands for the purpose of building school houses, which land shall be deeded to themselves and their successors in office as trustees of said school district. They shall also have power to build suitable school houses and buy furniture for the same. To buy land for buildings

SEC. 8. *Be it further enacted*, That they shall have power to receive any scholars not being within the limits of the district, on such terms as may be agreed upon. They shall also have power to grade their school. Receive scholars not within limits.

Approved February 17, 1885.

No. 336.]

AN ACT

[S. 285.]

To authorize the mayor and aldermen of Birmingham to issue bonds of said city for an amount not exceeding twenty thousand dollars, for the purpose of purchasing school lots in said city and of erecting, adding to, and improving school buildings and furnishing the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of mayor and aldermen of Birmingham be, and they are hereby authorized to issue the bonds of said city of Birmingham to an amount not exceeding twenty thousand dollars or so much thereof as said board may deem necessary for the purpose herein-after named in sums of one hundred dollars for one-fourth of the amount issued, and in sums of five hundred dollars for three-fourths of the amount, and payable at such time and place as said board may designate, not exceeding thirty years from the date thereof, and redeemable at the pleasure of said city at any time after the period of fifteen years with coupons attached bearing interest at a rate not exceeding eight per cent. and payable annually to bearer. Birmingham to issue bonds for school purposes. Amount. Redeemable.

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city and the seal of the city shall be affixed thereto. Bonds signed by mayor and treasurer.

and the said city treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

Authority of  
mayor and al-  
dermen.

SEC. 3. *Be it further enacted*, That the said mayor and aldermen of Birmingham are hereby authorized to do any and all things authorized by this act which may be necessary to carry out the powers hereby granted either through themselves or by any agent or agents duly authorized or appointed by them for that purpose, at any meeting of said board whether at a regular or special meeting thereof; and no technical informality, irregularity, neglect or omission in the proceedings or records of said board, shall, in any wise, vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Sale of bonds.

SEC. 4. *Be it further enacted*, That the mayor and aldermen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par (one hundred cents on the dollar), and the proceeds of said bonds shall be paid over to and be kept by the treasurer of said city, and to be used and applied to the purchase of school lots in said city and for erecting and improving school buildings and furnishing the same for said city, such use, payment and application of said proceeds to be under the direction and by authority of said board of mayor and aldermen, and the said treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in his official capacity the same as for other city funds or money in his hands as such treasurer, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

Treasurer.

Proceeds to be  
applied to no  
other purpose.

SEC. 5. *Be it further enacted*, That it shall be unlawful for the said board of mayor and aldermen or any member thereof, or any of the officers of said city of Birmingham, to apply the proceeds of the sale of any of the bonds issued by authority of this act to any other purpose than that hereinbefore specified.

May mortgage  
to secure pay-  
ment of bonds.

SEC. 6. *Be it further enacted*, That for the better securing of the payment of said bonds at maturity, the said corporate authorities may execute to trustees, or in such manner or form as may be deemed best for the city

a mortgage upon the real estate upon which the said buildings are to be erected, and upon the buildings so erected, and said mortgage may be signed and executed by the mayor in such manner as the board may direct.

Approved February 17, 1885.

No. 337.]

AN ACT

[S. 331½.

To amend an act to prohibit the sale or disposing of spirituous, vinous or malt liquors, or other intoxicating beverages, in the counties of Monroe, Escambia and Pickens on and after January 1st, 1882, approved February 23d, 1881.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "an act to prohibit the sale or disposing of spirituous, vinous or malt liquors, or other intoxicating beverages, in the counties of Monroe, Escambia and Pickens on and after January 1st, 1882, be so amended as to read as follows: Amendment of prohibitory law in cert' in counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on and after the passage of this act, it shall be unlawful for any person or persons to sell, keep for sale, or otherwise dispose of, any spirituous, vinous or malt liquors, or other intoxicating bitters or beverages, within the limits of the counties of Monroe and Escambia.

Approved February 17, 1885.

No. 338.]

AN ACT

[S. 340.

To amend sections 17 and 20 of an act to amend an act to establish a new charter for the city of Birmingham, approved February 17, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 17 of an act to amend an act to establish a new charter for the city of Birmingham, approved February 17, 1883, be amended so as to read as follows: Sec. 17. *Be it further enacted*, That it shall be the To amend act to establish new charter for Birmingham.

duty of the mayor to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city requires it; he shall keep an office in said city and hear and determine all cases of violations of all by-laws or ordinances, or charter, of said city and punish the offenders in such manner as the board may direct; he shall receive such fees and salary as may be prescribed by the board; and he shall possess within the corporate limits of said city all the powers and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, that he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as *ex officio* justice of the peace, that has not already come before him as mayor of said city. From any judgment or decision of said mayor, as such, an appeal may be taken by the defendant to the City Court of Birmingham (the cause to be at issue in said City Court within 30 days from the date of such appeal) upon defendants entering into bond, with good and sufficient security, to appear at the term of the court to which the appeal is taken, and from term to term thereafter until discharged by law; to abide by and perform whatever sentence may be adjudged against him, the bond to be payable to the mayor and aldermen of Birmingham, in such penalty as the mayor may prescribe, and to be approved by him, and such cause shall be placed on the criminal side of the docket, and if the defendant be convicted, the court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the trial before him, and if the fine be not paid or imprisonment be imposed, the defendant shall be remanded to the city prison, there to remain until discharged, as provided by the ordinance of said city upon conviction before the mayor. And in case the defendant do not appear at the trial, but make default, then his bond shall be declared forfeited and judgment shall be rendered thereon against the defendant and his sureties as in State cases, except that the judgment shall be in favor of the mayor and aldermen of Birmingham; *Provided*, that such appeal be taken and fully perfected within five days from the rendition of such judgment by

Mayor vested  
with powers of  
justice of peace

Appeal may be  
taken to city  
court.

Time of appeal

the mayor, and the case shall be tried *de novo*, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion, *scire facias*, or other writs instituted for the collection of any penal bond payable to said mayor and aldermen of Birmingham, taken under this act, or under the ordinances of said city passed in pursuance of this act, and from his judgment rendered in such proceeding execution thereon may issue and be enforced as executions from justices court; the said mayor shall have the right, when the good or safety of the city may require it, to call upon or demand the aid of the sheriff of Jefferson county, and may also require the aid and support of volunteer or militia companies in said city for the protection of said city; he may punish any contempt while holding his court, or while the board is in session, by fine not exceeding twenty-five dollars, and by imprisonment for not longer than ten days, one or both; he shall, at least once in every six months, make a statement to the board in writing of the financial condition of the city, which such statement shall be published in at least one of the papers published in the city; he shall have the power to suspend the marshal, or any policeman, until the next regular meeting of the board and report to said meeting the fact of such suspension and the cause thereof; and he shall do and perform such other and further duties as the board may require.

Authority and powers of the mayor.

May suspend marshal.

Sec. 2. *Be it further enacted*, That subdivision 25 of section 20 of said act be so amended as to add to the schedule of licenses, therein contained, the following vocations, with amounts of licenses to be imposed and collected thereon respectively, which such licenses may be imposed and collected as well for the year 1885 as for each subsequent year, to-wit: Dealers in cigars and tobacco, whether the principal stock in trade or not, each, \$10.00; photograph or art galleries, whether in house or tent, \$25.00; lumber dealers, each person or firm, \$25.00; newsdealers, each person or firm, \$10.00; fruit stands, each, \$10.00; green grocers, each, \$25.00; marble yards, each, \$20.00; architects or superintendents of buildings, each, \$25.00; railroad companies, or individuals running what are commonly known as commissary cars or grab cars, for each car used in selling goods within the corporate limits, \$100.00; confectioneries, each, \$10.00;

Schedule of licenses amended.

dealers in fire-works, pyrotechnics, each, \$10.00; dealers in coal, including those who buy coal and haul it into the city for sale, \$10.00; dealers in brick, each, \$10.00; dealers in wood, including those who buy wood and haul it into the city for sale, each, \$10.00; boot-blacks, each, \$2.50; dealers in pistol cartridges, \$5.00.

Approved February 17, 1885.

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No. 339.]

AN ACT

[S. 350.

To amend section 24 of an act entitled an act to incorporate the Mobile Railroad and Harbor Company, approved December 7, 1867.

*Act amended.* SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 24 of an act entitled an act to incorporate the Mobile Railroad and Harbor Company, approved December 7, 1867, be amended so as to read as follows: That this company shall commence the construction of the harbor and railroad within three years from the first day of January, 1885, and finish the same within five years from that date, otherwise this charter shall be forfeited.

Approved February 17, 1885.

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No. 340.]

AN ACT

[S. 366.

To relieve John Holbrook of Hale county from the disabilities of non-age.

*Relief of John Holbrook.* SECTION 1. *Be it enacted by the General Assembly of Alabama,* That John Holbrook of Hale county, Alabama, be and he is hereby relieved of all the disabilities of non-age, and that he be and is hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate and to give receipts and acquittances therefor, to purchase, mortgage and sell real and personal property and to do and to perform all things

as effectually and legally as though he was twenty-one years of age.

Approved February 17, 1885.

No. 341.]

AN ACT

[S. 374.

To authorize the township superintendent of township nineteen of range 5 east, in Hale county, Alabama, to lease the sixteenth section of lands, and to apply the rents thereof to the improvement of the land.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That the township superintendent of township nineteen in Hale county, Alabama, be and they are hereby authorized to lease the lands of the sixteenth section in township nineteen for a term not to exceed five years at any one time. To lease 16th section lands.

SEC. 2. *Be it further enacted,* That the said township superintendent is hereby authorized to apply the rents received or contracted to be received from said lease or leases to repairs and improvements to be made on said property.

Approved February 17, 1885.

No. 342.]

AN ACT

[S. 383.

For the relief of D. H. and B. T. Hart, of the county of Marengo.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county treasurer of the county of Marengo, State of Alabama, be and he is hereby directed to pay out of any money in the fine and forfeiture fund of said county, to Dudley H. and Benj. T. Hart the sum of one hundred dollars, which said sum was paid into the fine and forfeiture fund of said county by D. H. and B. T. Hart on the forfeited bail bond of Martha Webb who has since said forfeiture and payment been arrested by the securities and put in the jail of said county. Relief of D. H. and B. T. Hart.

Approved February 17, 1885.

No. 343.]

AN ACT

[S. 346.]

To amend the first section of an act entitled an act to prohibit the sale of malt, vinous and spirituous liquors or other intoxicating drinks, within two miles of the Methodist and Baptist churches, at or near Verbena, on the South and North Alabama Railroad, in the county of Chilton.

Amendment of  
prohibition law  
in Chilton co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act, approved November 9, 1880, entitled an act to prohibit the sale of malt, vinous and spirituous liquors, or other intoxicating drinks within two miles of the Methodist and Baptist churches at or near Verbena, on the South and North Alabama Railroad, in the County of Chilton, so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of January, 1886, it shall be unlawful for any person or persons to sell, make or give away or otherwise dispose of any malt, vinous or spirituous liquors, or other intoxicating drinks, within four miles of the Methodist and Baptist churches in the village of Verbena, in the county of Chilton, a station on the South and North Alabama Railroad, except wine for sacramental purposes, and except wine made from grapes or other fruits grown by the person disposing of the same; *and provided*, that regular practicing physicians may prescribe any of said liquors to their patients in their regular practice, when in their opinion the same is absolutely necessary.

Approved February 17, 1885.

No. 344.]

AN ACT

[S. 320.]

To prescribe the term of office of commissioners of roads and revenues in the county of Chambers, and to fix the time of their election.

Term of office  
of comm'rs of  
Chambers co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the general election in 1888, to be held for the election of State officers in the county of Chambers, there shall be elected for the county of Chambers

four commissioners of roads and revenues, two of whom shall be elected to hold office two years and until their successors qualify, and two to hold office four years and until their successors qualify. And every two years after the election in 1888, at the election held in said county for the election of State officers, there shall be elected two commissioners of roads and revenues for said county, whose term of office shall be four years and until their successors qualify.

SEC. 2. *Be it further enacted*, That at the election in 1888, those persons who are voted for, for the two years Election, 1888. term, shall be designated by the words, "short term commissioners," written or printed above their names on the tickets, and those who are voted for for the four years term, shall be designated by the words, "long term commissioners," written or printed above their names on the tickets, and the names of the persons elected to each term shall be certified and enclosed with the returns by the managers of the election.

SEC. 3. *Be it further enacted*, That all laws in conflict with this act, be and the same are hereby repealed.

Approved February 17, 1885.

No. 345.]

AN ACT

[S. 319.

To authorize the constable of beat 8, in Chambers county, the same being the county site beat, to execute all papers or process issued by the justices or notaries public and ex-officio justices of said beat in any beat in the county, and the same act to apply to constable of beat 4, Henry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the constable of beat No. 8, in Chambers Constables in Beat 8, Chambers county. county, be and he is hereby authorized and empowered to execute all papers or process issued by the justices or notaries public and ex-officio justices of said beat in any beat in the county, and this act shall also apply to constable of beat 4, Henry county.

SEC. 2. *Be it further enacted*, That all laws in conflict

with this act be, and they are repealed so far as they affect the operation of this act.

Approved February 17, 1885.

No. 346.]

AN ACT

[S. 311.

To authorize the county of Mobile to issue bonds to the extent of fifty thousand dollars.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county of Mobile, by the board of revenue and road commissioners of said county, be and it is hereby authorized to make and issue new bonds of said county under the seal of the county, not exceeding in all the sum of fifty thousand dollars, each of said bonds to bear date March first, 1885, and to be for the sums of one thousand dollars or five hundred dollars, payable twenty years after date if not sooner paid, as provided by the act of the legislature authorizing the issue of this bond at the office of the treasurer of said county, in the city of Mobile, with interest thereon at the rate of six per cent. per annum, payable semi-annually either at some bank in the city of New York or the city of Mobile as the said board of revenue and road commissioners may direct, for which interest coupons shall be attached to each of said bonds and signed by the treasurer of the county. No such bond shall be made or issued except by order of the board of revenue and road commissioners specifying the number and amounts of bonds authorized to be issued and entered in the record of the proceedings of said board; such bonds shall be in such form as may be prescribed or approved by said board, and shall be numbered consecutively from one upwards and shall be signed by the president of said board, countersigned by the treasurer of said county, and sealed with the county seal and attested by the judge of probate of said county before being issued. The interest coupons of said bonds shall be in such form as may be prescribed or approved by said board, and shall be so numbered or marked as to show to which bond they were attached, and signed by the treasurer of the county as hereinbefore provided.

Mobile county  
authorized to  
issue bonds.

Interest; when  
payable.

Coupons.

SEC. 2. *Be it further enacted,* That the county of

Mobile by its board of revenue and road commissioners may at any time redeem, take up and destroy any of the bonds issued under this act by paying to the holder thereof the face value of the bond, with accrued interest thereon to the day of payment. The bonds shall be redeemed as follows: Whenever there shall be any money in the county treasury, which can be applied to the redemption of bonds, the board of revenue and road commissioners shall, on the first days of February and July, write the numbers of the outstanding bonds issued under this act on separate slips of paper of uniform size and thickness, fold the same exactly alike and place them in a box, and from this box draw a number of slips, whose numbers shall represent bonds equal in amount to the amount of money in the treasury set apart for the redemption of bonds. The bonds bearing corresponding numbers with the numbers drawn at the February drawing, shall be paid with accruing interest on the first day of March following; the bonds bearing corresponding numbers with the numbers drawn at the July drawing shall be paid with accruing interest on the first day of August following; immediately after each drawing the board of revenue and road commissioners shall make publication in some newspaper in the city of Mobile, once a week for two consecutive weeks, setting out the numbers of the bonds drawn for redemption and when to be redeemed; and such bonds as are drawn for redemption shall cease to draw interest from the date on which they should have been redeemed if the board of revenue and road commissioners of Mobile county is, on the day fixed for redemption, willing, able and prepared to redeem the same.

Bonds; when  
redeemed.

Publish notice.

SEC. 3. *Be it further enacted*, That whereas the seal of the Probate Court of said county has been heretofore used and recognized as the only seal of the county, it shall be deemed to be the seal of the county under the provisions of this act; and it shall be the duty of the judge of said Probate Court, upon the order of said board of revenue and road commissioners for the making of such bonds and the request of the president of said board to affix said seal to each such bond to an amount not exceeding in all fifty thousand dollars, and attest each such sealing by his signature as judge of probate of said

Seal of the  
county.

Bonds delivered to treasurer. county; and he shall make and keep in his office a written statement of the number, date and amount of each such bond. When so sealed, the said judge shall deliver the said bonds to the treasurer of the county for the use of the county, taking the treasurer's receipt for the same.

Disposition and record of bonds.

SEC. 4. *Be it further enacted*, That it shall be the duty of the treasurer of said county to receive the bonds hereby authorized to be made for the use of said county, and shall dispose of the same only as the said board may authorize and direct, he shall countersign each such bond and sign each interest coupon thereto attached as hereinbefore prescribed before the bond is issued. He shall make in a suitable book kept in his office a statement of the number, date, time of payment and amount of each such bond; he shall also keep an accurate account of all bonds redeemed under the provisions of this act with their number and the date of redemption.

Exempt from taxation.

SEC. 5. *Be it further enacted*, That the bonds hereby authorized shall be exempt from taxation for municipal and county purposes by the city and county of Mobile.

Value.

SEC. 6. *Be it further enacted*, That no bond issued under the provisions of this act shall be used or issued for less than its face value.

Coupons receivable for taxes.

SEC. 7. *Be it further enacted*, That any of the coupons attached to any of the bonds issued under the provisions of this act shall be receivable in payment of Mobile county taxes, and the tax collector of said county shall receive such coupons in payment of county taxes after such coupons are due and payable.

Approved February 17, 1885.

No. 347.]

AN ACT

[S. 289.

For the relief of J. D. Dreisback, county superintendent of education of Baldwin county, and his bondsmen on his official bond.

Relief of J. D. Dreisback. *Whereas*, The tax collector of Baldwin county, Alabama, D. A. Monial, having failed to pay over to J. D. Dreisback, county superintendent of education, a large portion of the school fund due the county for the year 1876 and 1877, proposed to the said J. D. Dreisback to

turn over to him three promissory mortgage notes, amounting to one thousand dollars, in lieu of that amount of money. The said J. D. Dreisback believing that the amount of the school fund due by the said D. A. Monial could not be collected out of him or his bondsmen by legal process, accepted the proposition of the aforesaid D. A. Monial and gave him a receipt for one thousand dollars. The said promissory mortgage notes have not been paid, therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the action of the said J. D. Dreisback as taken by him in order to secure a portion of the school fund due the county by the said tax collector, D. A. Monial, is hereby ratified. Action ratified.

SEC. 2. *Be it further enacted*, That the said J. D. Dreisback is duly authorized and fully empowered as county superintendent of education and agent of the State of Alabama to take the necessary legal steps to secure the payment of said promissory mortgage notes, and to make legal titles to any property for which said mortgage promissory notes were given, which may be sold by the said J. D. Dreisback to realize the amount due on said notes, and to place the money thus obtained in the State treasury to the credit of the general school fund of the State of Alabama, and that settlement of his account with the State be made in accordance with the provisions of this act. Empowered to take legal steps

Approved, February 17, 1885.

No. 348.]

AN ACT

[S. 230.

To authorize and require the board of revenue of Wilcox county to provide for extraordinary work on the public roads of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the board of revenue of Wilcox county are hereby authorized to provide for the grading of the public roads of said county where said roads are too steep, too rough or too boggy for practical use, or the hauling of or drawing loads; and said board of revenue are also authorized to provide for any other extraordinary work Public roads in Wilcox co.

on the public roads of said county which cannot be done by the road hands subject to road duty under the laws of this State.

Approved February 17, 1885.

No. 349.]

AN ACT

[S. 205.

To authorize an election to be held to determine whether or not vinous, spirituous or malt liquors, or other intoxicating beverages, shall be sold, given away or otherwise disposed of within six miles of Moulton, in Lawrence county, Alabama.

Prohibition in  
Moulton, in  
Lawrence co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or other intoxicating beverages, within six miles of the court house at Moulton, Lawrence county, Alabama; *Provided*, the provisions of this act shall not be so construed as to prevent the use of wines for sacramental purposes, or the social or domestic use of liquors in private families or residences; *and provided further*, that nothing in this act contained shall be so construed as to prevent regular practicing physicians from keeping and administering such liquors when necessary in their actual legitimate practice, but this provision shall not be so construed as to allow or legalize any other sale or other disposition of any such liquors or compound thereof made, on the prescriptions or order of any physician.

Penalty for  
violation.

SEC. 2. *Be it further enacted*, That any persons violating the provisions of the foregoing section shall, on conviction, be fined not less than one hundred nor more than five hundred dollars for each offense, and may be imprisoned in county jail or sentenced to hard labor for the county for not more than three months, at the discretion of the jury trying the same; *and provided further*, that this act go into effect on the 1st day of January, 1885, or as soon as the licenses now in force shall expire.

SEC. 3. *Be it further enacted*, This act shall not go into effect until after the same shall have been submitted

to the qualified voters of said territory as follows: Within ten days after the passage of this act it shall be the duty of the probate judge of Lawrence county, and he is hereby authorized and required to order an election in said territory to determine whether spirituous, vinous or malt liquors, or other intoxicating beverages, shall be sold, given away or otherwise disposed of in said territory.

Probate judge  
to order elec-  
tion.

SEC. 4. *Be it further enacted*, That said election shall be held at the court house in Moulton, Lawrence county, on a day to be ordered by the probate judge, the same being not less than 20 nor more than (30) thirty days after the publication of said order. Said election to be held and conducted in all respects under the same laws, not inconsistent with this act, governing general elections in this State; *Provided*, that clerks and managers of election shall have no pay for their services in such election.

Time & place.

SEC. 5. *Be it further enacted*, That at such election the persons voting in favor of prohibition shall write or print upon their tickets "Prohibition," and those voting in opposition shall write or print upon their tickets "No Prohibition." When the votes so cast are returned and counted by the board of supervisors, as now required by law, if it be found that a majority of all the votes cast are "For Prohibition," then it shall be the duty of the judge of probate to record the result in his office and to give twenty days notice by publication in a newspaper published in the county of Lawrence, that a majority of the qualified voters who voted at said election, voted for prohibition.

Mode of voting

SEC. 6. *Be it further enacted*, That this act shall go into effect from and after the expiration of said 20 days.

Approved February 17, 1885.

No. 350.]

AN ACT

[S. 190.

To provide compensation for the county commissioners of Pickens county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act,

Compensation  
of comm'rs of  
Pickens co.

the county commissioners of Pickens county shall receive four dollars per diem for each day's attendance upon the commissioners court, and shall not receive mileage or per diem, and the four dollars per diem shall be in lieu of all compensation heretofore allowed by law.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with section one of this act, so far as the same applies to the county of Pickens, be and the same are hereby repealed.

Approved February 17, 1885.

No. 351.]

AN ACT

[S. 184

To amend section 5028 of the code so far as the same applies to Madison county, and to reduce the fees of the register in chancery of said county.

Amendment.

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That section 5028 of the code of Alabama of 1876, so far as the same applies to Madison county, be amended so as to read as follows:

Fees of register.

§ 5028 (3515). *Registers in Chancery*.—For each subpoena on a bill, 33 $\frac{1}{2}$ c; for any other subpoena, 26 $\frac{3}{4}$ c; for entering each return thereof, 13 $\frac{1}{2}$ c; for entering each decree, 46 $\frac{3}{4}$ c; for copy of bill, answer, or other proceeding, for every hundred words, 13 $\frac{1}{2}$ c; for each report, \$1.66 $\frac{2}{3}$ ; for taking an account, swearing witnesses, &c., for each day while engaged therein, \$2.00; for taking each bond, 66 $\frac{2}{3}$ c; for appointing trustee, 46 $\frac{3}{4}$ c; for recording resignation, death, or removal of trustee, 46 $\frac{3}{4}$ c; for issuing each notice required by law not otherwise provided for, 33 $\frac{1}{2}$ c; for making abstract for publication, for every hundred words, 13 $\frac{1}{2}$ c; for each execution, 46 $\frac{3}{4}$ c; for making a complete record or copy thereof, for every hundred words, 13 $\frac{1}{2}$ c; for services rendered in taking questions, answers, and recording the same in proceedings to perpetuate testimony, 13 $\frac{1}{2}$  cents for every one hundred words; and for other duties in relation thereto, 66 $\frac{2}{3}$  cents for each application, to be paid by the applicant; for making a deed to property sold, \$1.33 $\frac{1}{3}$ ; for each certificate required by law, with or without official seal, 33 $\frac{1}{2}$ c; for each record not included in the above, for every hun-

dred words, 13½c; for services rendered in relieving minors of the disabilities of non-age under section 2735 *et seq.* such sum as the chancellor may allow, to be paid by minor, not to exceed \$6.66½c; commissions on sales, for the first hundred dollars, one and one-third per cent., for all over one hundred dollars two-third per cent.; for services rendered in the settlement of estates of decedents, transferred under any law, and for all services when acting as probate judge, the same fees as judges of probate of Madison county are allowed at the time for like services, with one-third added; for services in appointment of trustee under section 3741 (3461), to receive and remove property from another State, \$3.33½; for making sale to satisfy mortgage or deed of trust, when the property sells for more than \$20,000 the register shall receive no commissions, but must be allowed such sum in gross as the court may deem fair and just; for receiving money in cases where decree is rendered in favor of special administrator under section 2626, one-third of one per cent. of the amount so received; for services under subdivision 7 of section 634 (725); for each examination of two or more books, twenty cents; for each separate conveyance of title, twenty cents; for specific settlement of any other one matter, twenty cents; but his fees in no case to exceed one dollar and thirty-three and a third cents; for all other services for which no compensation is herein specifically provided, such fees or compensation as the chancellor may direct, but such charge must not be made except under the written direction of the chancellor to be entered of record in the case.

SEC. 2. *Be it further enacted*, That the register in chancery of Madison county shall be entitled to no other fees or compensation than as herein provided.

SEC. 3. *Be it further enacted*, That this act shall not take effect till the expiration of the term for which the present register of Madison county is appointed, but then it shall take effect and be binding from and after the expiration of the present term of said register.

Approved February 17, 1885.

No. 352.]

AN ACT

[S. 257.]

To change the mode of compensating the judge of probate in Mobile county.

Compensation  
of judge of probate  
of Mobile  
county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the judge of probate of Mobile county shall be paid six thousand and five hundred dollars per annum, which amount shall be in full compensation for all duties performed by him as such judge of probate, it being the express intent of this act, that out of this sum the judge of probate must pay all his assistants and other expenses of the probate office of whatever nature or kind, except necessary books and stationery. The said amount shall be paid to the judge of probate out of the county treasury of Mobile county by the treasurer thereof, in equal quarterly installments.

Takes effect.

SEC. 2. *Be it further enacted,* That this act shall go into effect from and after the expiration of the term of office of the present incumbent.

Quarterly pay-  
ments.

SEC. 3. *Be it further enacted,* That all laws and parts of laws, general or special, in conflict with this act, be and the same are hereby repealed; *Provided,* that no quarterly payment shall exceed the amount paid into the treasury by said probate judge during the preceding quarter. But any deficiency in a quarterly payment shall be paid out of any excess of the amount paid by him into the county treasury during any succeeding quarter over the quarterly payment of such succeeding quarter. And the entire annual salary of said probate judge shall in no case exceed the amount paid by him into the county treasury during the current year.

Approved February 17, 1885.

No. 353.]

AN ACT

[S. 256.]

To dispose of the fees, commissions and allowances allowed by law to the judge of probate in Mobile county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the judge of probate in Mobile county

shall collect all fees, commissions and allowances allowed by law to judges of probate in the same manner as the general laws of Alabama provide, and shall within thirty days of such collection pay the same into the county treasury of Mobile for the use of said county. Fees of probate judge of Mobile county.

SEC. 2. *Be it further enacted*, That for a wilful failure to execute the provisions of this act the judge of probate of Mobile county shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars. Penalty for failure.

SEC. 3. *Be it further enacted*, That this act shall go into effect from and after the expiration of the term of office of the present incumbent. Takes effect.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 17, 1885.

No. 354.]

AN ACT

[S. 445.]

To amend an act entitled an act to incorporate the Greensborough Female Academy, approved December 29, 1841.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled an act to incorporate the Greensborough Female Academy, approved December 29, 1841, be so amended as to read as follows: Charter of the Greensboro' female academy.

SEC. 2. *Be it further enacted*, That Allan C. Jones, Amasa M. Dorman, James E. Webb, Francis M. Peterson, David J. Castelman, Wiley C. Tunstall, Thomas J. Seay, W. W. Powers and Charles E. Waller, their associates and successors in office, be, and they are hereby constituted a body corporate by the name and style of the Trustees of the Greensborough Female College, and by that name shall have full power and authority to have and to use a common seal and the same to break, alter and renew at pleasure, to sue and be sued, plead and be impleaded, in all kinds of actions, either at law or equity, to receive donations and to make sales or purchases of real and personal property, or choses in action not to exceed in value one hundred thousand dollars, which they deem for the benefit of said corporation, and Trustees.

May issue  
mortgage  
bonds.

to sell, alien, convey, mortgage and dispose of any property belonging to said corporation, or borrow money, and to secure all indebtedness and to raise funds for the purposes of the corporation; to issue mortgage bonds bringing interest at a rate not greater than eight per cent.; said bonds to mature at a time not exceeding twenty years from the date of their issue; said bonds to be signed by the president of said board of trustees and countersigned by the secretary of said board, sealed with the seal of said corporation; said bonds to constitute a lien on all its property described therein, and said power to so mortgage shall apply to any property now owned or that may hereafter be acquired by said corporation; to grant diplomas or such other evidences of scholarship as they may deem proper; and to further pass all such by-laws, rules and regulations as said incorporation may deem essential for the good government of said institution; *Provided*, that said by-laws, rules and regulations are not repugnant to the constitution and laws of this State, or of the United States.

Rules and reg-  
ulations.

SEC. 3. *Be it further enacted*, That said trustees and their successors in office shall have power to establish and continue in said town of Greensborough, in Hale county, Alabama, a female college, under such rules and regulations as may be deemed necessary by them, and change within the corporate limits of said town the location of the buildings, and they shall have the power to receive aid from any source and to adopt any rules or regulations that may be necessary to receive such aid.

Officers.

SEC. 4. *Be it further enacted*, That said trustees and their successors shall have the power to appoint a president, and secretary, and treasurer, who shall be chosen from among themselves and to elect such other officers as they may deem necessary, and five members shall constitute a quorum.

Annual elec-  
tion.

SEC. 5. *Be it further enacted*, That an annual election of nine trustees shall be held at such time, and in such manner as may be determined by said by-laws, who shall hold office for one year or until their successors are elected and qualified; at such elections any and all persons who have contributed to said institution shall have the right to vote in such election, in proportion to the amount of their contribution, such proportion to be determined by said by-laws; and all vacancies arising in

said board shall be filled by the remaining trustees or a majority of them.

SEC. 6. *Be it further enacted*, That the lands, buildings, or other property of said corporation, shall, while used for the purposes of education, be exempt from all taxation whatever. Exempt from taxation.

Approved February 17, 1885.

No. 355.]

AN ACT

[S. 418.]

To repeal an act approved February 27th, 1881, prohibiting the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, at or within certain localities in this State in said act named, so far as the said act applies to territory within six miles of the academy at Perote, Bullock county, that lies in Barbour county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act approved February 28th, 1881, entitled an act to prohibit the sale of, giving away, or or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, at or within certain localities of this State therein designated, be, and the same is hereby repealed, so far as the same applies to Barbour county; *Provided*, this act shall apply to only that part of the territory or locality designated in said act as being within six miles of the academy at Perote, Bullock county; *and provided further*, this act shall apply only to that part of said territory or locality that lies in or is included in Barbour county. Prohibitory law in Bullock co.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved February 17, 1885.

To authorize and empower the mayor and aldermen of Birmingham to improve the sidewalks of the city of Birmingham, Alabama, at the cost of parties whose property abuts such sidewalks.

SECTION 1. *Be it enacted by the Generals Assembly of Alabama,* That the mayor and aldermen of Birmingham shall have full power and authority to cause and procure all sidewalks along the streets, avenues and alleys now established or hereafter to be established in said city to be graded, leveled, curbed, graveled, slagged, cindered, paved or macadamized, or to be re-graded, re-leveled, re-curbed, re-graveled, re-slagged, re-cindered, re-paved or re-macadamized in such manner and by such methods and with such material as they may deem best and proper.

SEC. 2. *Be it further enacted,* That the said mayor and aldermen of Birmingham shall have the power to have such work done or cause the same to be done, and the expense thereof shall, after the completion thereof be by said mayor and aldermen of Birmingham assessed upon the abutting owners of lands or lots lying along and adjacent to the streets or alleys along which such work is done, in proportion to the amount of the benefit accruing to such abutting owner, and all such assessments shall be and constitute a lien upon the lands and lots respectively upon which they shall be so assessed.

SEC. 3. *Be it further enacted,* That after such work shall have been completed in front of or abutting any land or lot owner, the said mayor and board of aldermen shall have the city clerk to give ten days notice in writing, to be served by the city marshal or any policeman on the owner or owners of any land or lot so to be assessed, of the time and place at which they shall meet to consider and determine the amount to be so assessed against him or them; and any person so notified shall have the right to appear in person or by attorney at such time and place and make defense against such assessment or the amount thereof, and after such investigation the said mayor and board of aldermen shall have the right to determine the amount of such assessment and enter the same upon the records of the city; and if the amount

Improvement  
of sidewalks in  
Birmingham.

Powers vested  
in mayor and  
aldermen.

Payment as-  
sessed against  
own'rs of prop-  
erty.

thereof is not paid within sixty days thereafter, together with the costs and expenses thereof, then the same may be collected as other taxes by the city collector, and who shall have authority to sell and convey any such lands or lots to satisfy said assessment under the ordinances, by-laws and regulations of the mayor and aldermen of Birmingham now in force or hereafter to be enacted; *Provided, however*, that any owner of such land or lots who shall have surrendered possession to the purchaser within ten days after demand in writing from such purchaser for possession, shall have one year after the sale thereof to redeem the same by paying the amount of the said assessment, with eight per cent. interest from the day of sale, together with all costs and expenses of such sale; and *Provided further*, that if such owner be a minor, the right of redemption as aforesaid shall extend to one year after reaching majority; and to married women laboring under the disabilities of coverture the same rule shall extend, allowing them one year within which to redeem after the removal of such disabilities. Exceptions.

SEC. 4. *Be it further enacted*, That if the owner or owners of such lands or lots be a non-resident of the county in which the same is situated, or a minor under twenty-one years of age, the notice contemplated in section 3 of this act, may be served by leaving a copy of the same with the agent of said non-resident in said city, and if there be none, then by advertisement, once a week for three consecutive weeks in some newspaper in said city; and in case of minors resident, by leaving the same with such minor's parents if living, or with such minor's regular guardian, and if such do not exist then with the head of the family with whom such minor resides. If the owner is a non-resident.

SEC. 5. *Be it further enacted*, That any person dissatisfied with the assessment made against him or her by the mayor and board of aldermen as provided in section 3 of this act may, within ten days after such assessment is made, file a petition in the City Court of Birmingham or in the Circuit Court of said county, setting forth the facts and causes of complaint sworn to, upon which it shall be the duty of the judge of said City or Circuit Court to issue writs of *supersedeas* and *certiorari*, directed to the mayor and clerk of said city of Birmingham, directing them to stay all further proceedings and send forthwith a certified copy of the entire proceedings and Appeal.

records to said City or Circuit Court, when the same shall be regularly submitted and tried as in other civil cases.

SEC. 6. *Be it further enacted*, That in case any person so arrested fails successfully to prosecute his suit in the said City or Circuit Court, then judgment shall be rendered against him for the costs and expenses of such suit and the amount of the assessment with interest at eight per cent. per annum from the date of the original assessment in favor of the said mayor and aldermen of Birmingham, and from which execution shall issue against the person so assessed and which said judgment shall be a lien also upon the land or lots so assessed; *Provided*, that any sale or transfer of said property from the time said contest was begun as herein provided to the time said judgment was rendered, shall not affect said lien.

Approved February 16, 1885.

No. 357.]

AN ACT

[H. B. 498.

To amend sections 1 and 2 of an act entitled an act to amend section one of an act to define the corporate limits of the city of Wetumpka, approved February 23, 1883.

To define corporate limits of Wetumpka.

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled an act to amend section one of an act to define the corporate limits of the city of Wetumpka, approved February 23, 1883, be and the same is hereby amended so as to read as follows: Hereafter the corporate limits of the city of Wetumpka shall be as follows: Commencing where the south side of South Boundary street strikes the Coosa river at low water mark, and running west along the south side of said street to west Main street, thence north along the west side of West Main street to Milly Francis street, thence west along the south side of Milly Francis street to Autauga street on its west side, thence north along west side of Autauga street to west Bridge street, thence along the south side of west Bridge street to Pine street, thence north along the west side of Pine street to Osceola street, thence east along the north side of Osceola

street to west Main street, thence north along west side of west Main street to Micanopy street, thence east along the north side of Micanopy street to Alabama street, thence south along the east side of Alabama street to Osceola street, thence east along the north side of Osceola street to Marshall street, thence south along the east side of Marshall street to Tallassee street, thence east along the north side of Tallassee street to the Coosa river, thence along the western bank of said river at low water mark to a point opposite the north side of Third street in north Wetumpka, thence east across said river and along the north side of said Third street to north Main street, thence along the east side of north Main street to north Boundary street, thence east along the north side of north Boundary street to the point where it intersects with Granite street, thence south along the eastern side of Granite street to Taylor street, thence along the southern side of Taylor street to Rock street, thence south along the east side of Rock street to Logan, thence west along the south side of Logan street to High street, thence south along the eastern side of High street to the south side of east Bridge street, thence west to Spring street, thence south along the east side of Spring street to south Boundary street, thence west along the south side of south Boundary street and across Coosa river to place of beginning.

SEC. 2. *Be it further enacted*, That section two of said act, approved February 23, 1883, be amended so as to read as follows: That said city of Wetumpka by and through its proper authorities shall have jurisdiction over the public cemetery situated north of west Wetumpka, also over that part of original lot one hundred and seventy-five now belonging to said city, lying contiguous to said cemetery, and over west Bridge and Alabama streets throughout their whole extent from the southern portion of said city to said cemetery, and over all the territory of Elmore county lying within one-fourth of a mile of the corporate limits of said city, except west of the western boundary of said city.

To have jurisdiction over cemetery.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 17, 1885.

No. 358.]

AN ACT

[H. B. 478.]

To exempt the active members of the fire departments in Barbour county, Troy, Union Springs, Selma, Birmingham, Opelika, Talladega, Gadsden, Huntsville, Greenville, Oxford, Anniston, Jacksonville, Broken Arrow and Demopolis from poll tax and from jury service.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the members of volunteer fire and hook and ladder companies in active service in Barbour county, Troy, Union Springs, Selma, Birmingham, Opelika, Talladega, Gadsden, Huntsville, Greenville, Oxford, Anniston, Jacksonville, Broken Arrow and Demopolis, shall be exempt from the payment of poll tax, and shall not be required against their will to do jury service.

Approved February 17, 1885.

No. 359.]

AN ACT

[H. B. 433.]

To lay off and establish a separate school district of parts of township 12, range 7, and township 12, range 8 in Etowah and Calhoun counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the following parts of township 12, range 7, and of township 12, range 8 in Etowah and Calhoun counties, be and the same is hereby established and made a separate school district, to-wit: Beginning where the Jacksonville road crosses Big Cane creek, thence along said road to Collin's gap on Calvin's mountain, thence along said mountain to Connor's gap, thence along the big road to Dry Creek mountain, thence west along said mountain to the beginning.

SEC. 2. *Be it further enacted,* That Newton Ford, Wyley Weaver and Edward Vaughn are hereby appointed trustees of said separate school district until the next regular election in August, 1886, at which time and thereafter at the regular election of county officers, trustees for said district shall be elected.

SEC. 3. *Be it further enacted,* That said trustees before entering upon the duties of their office shall take the

oath of office prescribed by law for all offices in this State, and shall give bond in such sum as may be fixed by the probate judge of Etowah county, but not to be less than double the amount of school funds which may be in their hands at any one time, and conditioned as all other official bonds. Such bond shall be approved by the probate judge of Etowah county and filed in his office, and a certified copy thereof sent to the State superintendent of education, to be approved by him also and filed in his office; and they shall receive from the county superintendents of education of Etowah and Calhoun counties all school funds due to said district, and they shall be the custodians of all moneys whatever belonging thereto, disbursing and accounting for the same in like manner as is required of county superintendents.

SEC. 4. *Be it further enacted*, That said trustees shall require of teachers the same qualifications and examinations as in other school districts. Oath and bond Requirements of teachers.

SEC. 5. *Be it further enacted*, That all laws in conflict with this act be and the same are hereby repealed.

Approved February 17, 1885.

No. 360.]

AN ACT

[H. B. 406.

To amend § 5035 of the Code, as to the county of Pickens.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 5035 of the Code be amended so as to read as follows:

§ 5035. *Fees in County Courts.*—In prosecutions before the County Court the following fees shall be allowed for the services special and none others, that is to say: For taking affidavit of complaint and issuing warrant of arrest, \$1.00; for taking and approving bail-bonds, 50c.; for each order of continuance, 50c.; for trial, entering judgment, and when appeal is taken approving bond and certifying proceedings, \$5.00; for judgment on forfeited undertaking of bail, \$3.00; for judgment against each defaulting witness, \$2.00; for serving warrant of arrest when bail is given, \$1.00; for serving warrant of arrest

Amendment of section 5035 of code.

Fees.

when bail is not given and carrying defendants to court or to jail, \$2.00; for serving each subpoena or notice, 50c. *a.* The fees above specified shall be taxed against the defendant on conviction, or against the prosecutor under the provisions of section 4721 (4051), and if not paid presently may be collected by execution; but no fee shall be taxed for any service not rendered. *b.* The fees taxed for services performed by the County Court, or by the judge of said court, belong to the county, and when so collected shall be paid into the county treasury, to be used, as far as it will extend, to pay the judge, as herein-after provided; and the fees taxed for all other services shall be paid to the officers by whom the services are performed. *c.* The judge of the County Court shall receive no other compensation than the following fees, which shall be paid out of the county treasury out of the funds as above provided, that is to say, if the warrant of arrest is issued by him, then for all the proceedings had before him in each case, including bond and certified copy of proceeding on appeal, \$4.00. If the warrant of arrest is not issued by him, then, for all services in each case, \$3.00. For each judgment against a defaulting witness, or on forfeited undertaking of bail, \$2.00.

SEC. 2. *Be it further enacted,* That the provisions of this act shall apply only to the county of Pickens.

Approved February 17, 1885.

No. 361.]

AN ACT

[H. B. 373.]

To repeal an act to authorize the commissioners court of Macon county to establish and define districts in said county in which stock shall be prevented from running at large, and to provide for the enforcement of the orders of said court establishing and defining said districts.

Stock law in  
Macon co.

*Be it enacted by the General Assembly of Alabama,* That an act entitled an act to authorize the commissioners' court to establish and define districts in said county in which stock shall be prevented from running at large, and to provide for the enforcement of the orders of said

court establishing and define said districts, approved February 23, 1883, be and the same is hereby repealed.

Approved February 17, 1885.

No. 362.]

AN ACT

[H. B. 334.

To preserve order at the Coldwater camp ground in Clay county, and at Unity Grove camp ground in Pickens county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any malt, vinous or spirituous liquors of any kind whatever, within two miles of Coldwater camp ground in Clay county, Alabama, and of Unity Grove camp ground in Pickens county, Alabama.

To preserve order at Cold Water & Unity Grove Camp Grounds.

SEC. 2. *Be it further enacted*, That the board of trustees, and the *bona fide* tent holders of said camp grounds have the right to pass rules and regulations as they deem proper to preserve order, and to regulate or prohibit the sale of confections, lemonade, or to regulate or prohibit the vending of any articles whatever, also to prohibit horse swapping on the Sabbath day within two miles of said camp grounds during the annual sessions at said camp grounds.

Power of trustees.

SEC. 3. *Be it further enacted*, That the *bona fide* tent holders of said camp grounds have the right to appoint a marshal or policeman whose duty it shall be to enforce the laws of said camp grounds.

Right to appoint policeman.

SEC. 4. *Be it further enacted*, That the *bona fide* tent holders of said camp grounds have the right to appoint a suitable person as intendant of said camp grounds, whose duty it shall be to try all offenders for the violation of the by-laws of the said camp grounds.

SEC. 5. *Be it further enacted*, That any person violating any law or by-law of said camp grounds shall upon conviction be fined not less than one or more than ten dollars or be imprisoned at the discretion of the intendant, not exceeding forty-eight hours.

Penalty for violation.

SEC. 6. *Be it further enacted*, That any person violating section one of this act is guilty of a misdemeanor

and shall upon conviction be fined not less than fifty nor more than five hundred dollars, at the discretion of the court or jury trying the same; *Provided*, nothing herein contained shall be construed to prevent the use of wine for sacramental purposes at either of aforesaid camp grounds.

Approved February 17, 1885.

No. 363.]

AN ACT

[H. B. 365.

To repeal an act entitled an act to provide for the election of the county superintendent of education, and township trustees of public shools, by a vote of the people in the counties of Lamar, Cherokee, Madison, Jackson, Colbert, Franklin, Blount, Lawrence, Marion, Cullman, DeKalb, Walker, Crenshaw, Fayette, Winston, Tallapoosa, Etowah and Dale, and for the election of superintendent of education in Dale county, so far as the same relates to the counties of Blount and Madison, approved February 23, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act to provide for the election of the county superintendent of education and township trustees of public schools by a vote of the people in the counties of Lamar, Cherokee, Madison, Jackson, Colbert, Franklin, Blount, Lawrence, Marion, Cullman, DeKalb, Walker, Crenshaw, Fayette, Winston, Tallapoosa, Etowah, and Dale, and for the election of superintendent of education in the county of Dale, be and the same is hereby repealed so far as it relates to Madison and Blount counties.

Repeal of act so far as relates to Madison & Blount counties.

SEC. 2. *Be it further enacted*, That the county superintendent of Madison county shall be appointed by the State superintendent of education, as is now provided by general law for the appointment of county superintendents.

Sup't of Madison county to be appointed.

Approved February 17, 1885.

No. 364.]

AN ACT

[H. B. 349.]

To provide for the election of a superintendent of education for the county of Pike, and to define his duties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That at the general election in the year 1886 there shall be elected by the qualified electors of the county of Pike, a superintendent of education for said county, and every two years thereafter, who shall give bond and discharge all the duties and have all the powers and be subject to all the penalties that are now or may be provided under the general laws of this State relating to superintendents of education in the several counties of this State. Election of superintendent of education, Pike county.

SEC. 2. *Be it further enacted,* That the superintendent of education, so elected in said county of Pike, shall publish in some newspaper published in said county an annual statement, showing what amount of money he has received, from what source received, the amount paid out and to whom; said publication to be made within ten days after the expiration of each scholastic year. Sup't to publish annual statement.

SEC. 3. *Be it further enacted,* That such superintendent of education shall make a sworn statement of all moneys received, from what source, what amounts paid out and to whom paid, and in failure to apply any of the funds received by him as directed by the general laws of this State, shall be a misdemeanor, and, on conviction, shall be fined not more than two thousand dollars, and may also be confined in jail or sentenced to hard labor for the county for not more than three months. Sworn statement of rec'pts and disbursements.

Approved February 17, 1885.

No. 365.]

AN ACT

[H. B. 500.]

To confer upon each of the justices of the peace of Lowndes and Franklin counties, Alabama, the same jurisdiction, and to require of them the performance of the same duties, in regard to misdemeanors as is now exercised by the County Court of said counties in reference to the trial of misdemeanors, and that they shall receive the same fees therefor.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That each of the justices of the peace of Lowndes and Franklin counties, in the State of Alabama, in their respective courts, shall have the same jurisdiction in reference to the trial of misdemeanors as now by law belongs to the County Court, and that said jurisdiction shall be exercised by each of them in their respective courts accordingly, and all the laws of the State providing for the exercise of said jurisdiction by said County Court, shall also be applicable to each of said justices of the peace in their respective courts in the arrest of accused persons, the summoning of witnesses, the trial of such persons, or the binding of them over to the Circuit Court for trial, as is now provided for by law by said County Court; and they shall receive the same fees therefor that are received by the Judge of the County Court of said county; *Provided,* this act shall not confer jurisdiction upon said justices to try offenses against the revenue laws, nor for adultery or fornication, nor for carrying concealed weapons, nor for violating any prohibition law.

Approved February 17, 1885.

No. 366.]

AN ACT

[H. B. 502.]

To authorize the Court of County Commissioners of Madison county to levy and collect a tax to pay the bonded debt of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Court of County Commissioners of Madison county be, and they are hereby authorized to

levy and collect an annual tax of one-fourth of one per centum on the taxable property of said county to pay off the bonded debt of said county existing at the ratification of the present Constitution of the State of Alabama, which tax, when collected, shall be exclusively appropriated to the payment of such debts or the interest thereon; said tax of one-fourth of one per centum to be so levied and collected each year until an amount sufficient to meet and pay off said indebtedness and the interest thereon is realized.

Collection of taxes in Madison county.

SEC. 2. *Be it further enacted*, That said tax, as it is annually collected, shall be invested in Class A bonds of the State of Alabama, to be held and applied to the payment of said indebtedness of the county when it matures and falls due; and the coupons on said Alabama bonds which fall due before the maturity of said county indebtedness, shall, in like manner, be invested so that the county may not lose the interest on said tax between the time of its collection and the maturity of the indebtedness it is levied to pay off.

To be invested in class A State bonds.

SEC. 3. *Be it further enacted*, That this act shall not take effect before the 1st day of January, 1886.

Approved February 17, 1885.

No. 367.]

AN ACT

[H. B. 523.]

To allow justices of the peace and notaries public with jurisdiction of justices of the peace in Macon, Autauga, Chilton, Talladega, Randolph, Tallapoosa, Russell, Henry, Bullock, Pike, Escambia, Elmore, Limestone, Winston, Coosa, Marion, Fayette, Colbert, Walker, Lawrence, Barbour, Blount, Lowndes, Baldwin, Marengo and Jefferson counties to retain their costs in certain criminal cases, out of fines and forfeitures collected by them.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That justices of the peace and notaries public with jurisdiction of justice of the peace in Macon, Autauga, Chilton, Talladega, Randolph, Tallapoosa, Russell, Henry, Bullock, Pike, Escambia, Elmore, Limestone, Winston, Coosa, Marion, Fayette, Colbert, Walker, Law-

rence, Barbour, Blount, Lowndes, Baldwin, Marengo and Jefferson counties are allowed to retain of the fines and forfeitures collected by them in criminal cases, such amount as may be sufficient to pay their fees (now or) hereafter due them in criminal cases tried by them, and then pay over the balance of such fines and forfeitures as now required by law.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 17, 1885.

No. 368.]

AN ACT

[H. B. 560.

To incorporate the town of Eunola, in Geneva county, Alabama.

To incorporate town of Eunola 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Eunola shall be and constitute a body politic and corporate by the name of the town of Eunola, and by that corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold real, personal and mixed property and dispose of the same for the benefit of the town, and may have and use a town seal which may be changed or altered at pleasure.

Boundaries. 2. *Be it further enacted*, That the corporate limits of said town of Eunola shall be included within the following boundary lines, to-wit: Beginning at the northeast corner of section 21, township 1, range 22 and running south on the section line between sections 21 and 22 to the southeast corner of section 21, thence west to Double Bridges creek, thence up the waters' edge of Double Bridges creek to the section line between sections 20 and 17, thence east on said line between sections 20 and 17, and 21 and 16 to the beginning corner, all in township one of range twenty-two in Geneva county.

Election of mayor & councilmen. 3. *Be it further enacted*, That the government of said town of Eunola shall consist of, and its corporate powers shall be exercised by a mayor and three councilmen, who shall be elected on the first Monday in March,

1885, and annually thereafter on the first Monday in March of each year, by the male inhabitants of said town, who are entitled to register and vote under the laws of the State, and who have resided therein for three months next preceding such election, and that said election in March, 1885, shall be held under the direction of John T. Martin, Jr., at some convenient place in said town, after giving ten days notice by posting in writing in said town, and he, the said John T. Martin, Jr., shall appoint inspectors and one returning officer, and said inspectors shall certify the result of said election to the said John T. Martin, Jr., and he shall declare the election and give certificates of election, and the persons so elected shall before entering upon the duties of their offices, take before a justice of peace an oath to discharge their duties without favor or partiality.

Under direction of John T. Martin, jr.

4. *Be it further enacted*, That the said mayor and councilmen shall continue in office until their successors are qualified, and the mayor of said town shall give notice and conduct each election subsequent to the election of March, 1885, in the same manner as above provided.

Term of office.

5. *Be it further enacted*, That in the case of the death, resignation or removal of any officer of said town, the remaining members of the board shall elect in his stead another mayor or councilman, who shall continue in office until his successor is elected and qualified.

Vacancies.

6. *Be it further enacted*, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business, and in case of the temporary absence of the mayor the councilmen may appoint one of their number to act as mayor.

Quorum.

7. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside at all meetings of the council, administer oaths, keep order, put questions, take votes, etc., and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town, to try, convict and punish persons committing the same, and to punish any contempt of his court by fine and imprisonment, but the imprisonment shall not exceed 24 hours, and the fine shall not exceed \$25.00; and the said mayor shall have all the powers and jurisdiction now conferred by the laws of the State on justices of the peace.

Duty of mayor

8. *Be it further enacted*, That the mayor and coun-

El.ction of  
marshal.

cilmen shall have power to elect a marshal and such other officers and agents as may be deemed proper for the good government of the town.

Powers of.

9. *Be it further enacted*, That the marshal shall have power and authority without warrant to arrest all offenders or violators of any ordinance of said town and bring them before the mayor, to execute by levy and sale all process issued by the mayor for the collection of taxes, fines, forfeitures and other dues owing to said town, and to discharge such other duties as may be required of him by the laws and ordinances of said town.

Mayor & coun-  
cil to levy and  
collect taxes.

10. *Be it further enacted*, That the mayor and councilmen shall have power and authority to fix the tax on all license, to levy and collect taxes on real and personal property and on capital employed in business; *Provided*, that the tax on real and personal property shall not exceed one-half of one per cent. of the value thereof as assessed by the assessor of taxes for the county of Geneva.

Liab. to road  
duty.

11. *Be it further enacted*, That all male persons between the ages of 18 and 45 years, residing within the corporate limits of said town shall be liable to work on the streets and roads in said town, but not more than ten days in one year, and shall be exempt from work on the county bridges across Choctawhatchie river and Double Bridges creek and on the public roads outside of the corporate limits of said town.

Prohibitory  
law

12. *Be it further enacted*, That it shall be unlawful for any person to sell, give away or otherwise dispose of any vinous, malt or spirituous liquors within the corporate limits of said town of Eunola; and any person violating this section shall be guilty of a misdemeanor, and upon conviction may be fined not less than twenty nor more than one hundred dollars.

Exceptions,  
road duty.

SEC. 13. *Be it further enacted*, That this act shall not be so construed as to prevent all persons who are subject to do road duty from working on the public roads outside of said incorporation as well as inside, and they shall be apportioned as provided for now by law.

Approved February 17, 1885.

No. 369.]

AN ACT

[H. B. 603.]

To amend and revise the charter of the town of Oxford.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the inhabitants of the town of Oxford in the county of Calhoun, shall be and continue a body politic and corporate by the name of "the town of Oxford," and by this name may sue and be sued, receive and grant, and do all other acts as natural persons, in respect to the powers herein granted; may purchase and hold real, personal and mixed property, and dispose of the same, for the benefit of said town, to the amount of fifteen thousand dollars, and may have and use a town seal, which may be broken, changed or altered at pleasure.

To amend the  
charter of Ox-  
ford.

SEC. 2. *Be it further enacted,* That the corporate limits of said town of Oxford, shall be as follows: Commencing at the railroad culvert on the East Tennessee, Virginia and Georgia railroad in said town, and extend one-half mile in every direction from said culvert.

Corporate  
limits.

SEC. 3. *Be it further enacted* That the government of said corporation shall consist of, and its corporate powers shall be exercised by a mayor and six councilmen, who shall be elected on the second Monday in March, by ballot, and annually thereafter on the second Monday in March, by the male inhabitants of said town, of or over the age of 21 years, who are entitled to register under the laws of this State, and who have resided therein for three months next preceding such election; said election shall be held by the mayor or some one appointed by him, and two councilmen, assisted by an acting justice of the peace of the precinct in which said town is situated. Notice of said election shall be given by the mayor at least ten days previous to such election, by posting notices in three public places in said incorporation. The mayor shall appoint a returning officer, and the polls on election day as above described shall be opened at nine o'clock A. M., and close at 4 o'clock P. M., and the election be conducted in the same manner as elections for State officers. The mayor, or person by him appointed, and councilmen shall certify to the result at such polls, and in case any two persons offering for the same office shall receive an equal number of votes, then the justice of the peace shall give the casting vote, and shall give to the person elected a

Election of  
officers.

Result.

Oath.

certificate of election; in other cases the mayor and councilmen shall give certificates of election. The persons so elected shall, before entering upon the discharge of the duties of their respective offices, take and subscribe the following oath, to-wit: "I, A. B. (as the case may be) mayor, clerk, treasurer, or marshal, do solemnly swear that I will, to the best of my skill and ability, discharge all the duties incumbent on me, without favor or affection, so help me God;" which oath shall be administered by a justice of the peace, and certificate of which oath shall be filed with the record of the board. The mayor and councilmen shall continue in office twelve months from date of election, and until their successors are qualified, unless removed as hereinafter provided. If from any cause said election should not be held in every year on said second Monday in March, the mayor shall as soon as practicable appoint another day of holding such election not more than thirty days after said regular day of which he shall give the like notice, and on the day so appointed, shall open and hold such election in the manner above described, and if from any neglect or failure of the mayor, or from any other cause, an election for mayor and councilmen shall not be held on the regular day, nor within thirty days thereafter as above provided, the mayor shall appoint a day for holding such election not more than sixty days after regular day, of which he shall give the same notice, and on the day so appointed shall hold such election in the manner as above provided.

Ballots; disposition of.

SEC. 4. *Be it further enacted*, That the ballots cast at any election held under this act shall after being counted be carefully sealed up by the mayor and councilmen and by them be deposited with the clerk of the board, who shall preserve the same for twenty days after the result of said election is declared, and then, if there be no contest, the said clerk shall cause the same to be burned in the presence of himself and mayor; but in the event of a contest they shall be delivered to the judge trying the same.

Contest.

SEC. 5. *Be it further enacted*, That any election held under this act may be contested in the same manner as is or may be provided by the laws of the State for contesting the election of probate judge, and all the provisions of such laws in relation to contesting the election of a probate judge, shall as far as the same are, or may be appli-

cable, apply to contest of any election held under this act.

SEC. 6. *Be it further enacted*, That no person shall hold the office of mayor or councilmen of said town who has not resided therein one year next preceding the election. Who eligible for office.

SEC. 7. *Be it further enacted*, That if the mayor or any councilman during his time of office and after qualifying, shall die, resign, remove from the corporation, refuse to act, or be permanently disabled from acting, that remaining members of the board shall, by ballot, elect in his stead another mayor or councilman, who shall have the qualifications prescribed in section six of this act, and shall continue in office during the remainder of the term, and until his successor is elected and qualified, and if any person elected mayor or councilman by the qualified voters of said town at any election under this act, shall refuse to qualify, the remaining members of the board shall, by ballot, elect in his stead, if mayor, one of their own body, if councilman, some person having the qualifications prescribed in the sixth section of this act, who shall continue in office during the remainder of the term and until their successors are elected and qualified. Vacancy; how filled.

SEC. 8. *Be it further enacted*, That the councilmen shall be judges of the qualifications of the mayor, and the mayor and the remaining councilmen shall be judges of the qualifications of a councilman. Qualifications of mayor and councilmen.

SEC. 9. *Be it further enacted*, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business. The mayor and councilmen shall fix their own sessions, and special meetings of the board may be called by the mayor at any time, or by any two of the councilmen. In case of the sickness, or temporary absence of the mayor, the councilmen may appoint one of their number to act as mayor during such sickness or absence, and such mayor *pro tempore* shall exercise all the powers and perform all the duties of the mayor, but the mayor shall not vacate his office by any temporary absence from the town or State. Duties of.

SEC. 10. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside, and keep order at the meetings of the board, and hear and determine all cases of violation of all by-laws or ordinances or charter of said town, and he is hereby invested with power and Mayor.

Reports of financial condition.

Bond.

Mayor & council to elect other officers.

authority to take jurisdiction of every violation of the laws and ordinances of said town, and to try and convict and punish the same according to laws and ordinances of the town; and he shall have authority, while holding his court, to punish any contempt of his court by fine and imprisonment, but the imprisonment shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars; and the mayor may compel the attendance of witnesses on his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced if they fail to appear and testify before him after being duly served with a subpoena. The said mayor shall, at least once every four months, make a written statement to the board of the town's financial condition, which shall be published in some newspaper in the town, or by posting in three or more public places in said town; and the mayor shall receive such salary or fees as board of councilmen may prescribe, and he shall do and perform such other duties as the board may require. The mayor, before entering on the duties of his office as mayor, shall give bond, to be approved by a majority of the councilmen, in the sum of \$500.00, payable to the town of Oxford, and conditioned for the faithful performance of his duties as mayor. An appeal from any decision of the mayor of said town may be had in same manner as is or may be provided for taking appeals from justice courts. The said mayor is hereby clothed with all the powers vested by general laws in justices of the peace, and authorized to receive the same fees, and shall give bond in the same manner and amount as required of justices of peace in this State.

SEC. 11. *Be it further enacted,* That the mayor and councilmen shall have power to elect a town marshal, clerk, treasurer, and assessor and collector of taxes, and such other officers and agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the good government and welfare of the town; to prescribe their duties, liabilities and powers; to require of them bonds, with such security and such amounts as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all such officers or agents, a majority of the board concurring in such

removal, and to fix and regulate, from time to time, the compensation of the officers or agents of the corporation. The officers of the corporation shall continue in office, Term of office. unless removed, until the next annual election for mayor and councilmen, and until their successors are qualified. The clerk, assessor, collector, treasurer and marshal, and all other such officers as the board may require to give bond, shall, before entering upon the discharge of their duties, give bond, with sufficient security, to be approved by the board, with condition to discharge faithfully all the duties of their offices; on which bond suit may be brought and recovery be had before the mayor, or any other court having jurisdiction, in the name of the mayor and councilmen, for the use of the corporation, or the person injured, and said bond shall remain for the breaches of its conditions, and the mayor and councilmen may provide summary remedies, by motion or otherwise, before the mayor against the officers of the corporation and their sureties for any official default or neglect.

SEC. 12. *Be it further enacted*, That the town clerk Town clerk to keep a record. shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record, and the copy therefrom, certified by the clerk, shall be *prima facie* evidence in any court of record or elsewhere, and said record shall, at all times, be open to inspection; and the clerk shall perform all such other duties as the board may direct.

SEC. 13. *Be it further enacted*, That the clerk of Executions. said town is hereby authorized and empowered to issue all such executions and other process as may be necessary to enforce the collection of all taxes, fines, forfeitures and other dues which may be due and owing to said town on any account.

SEC. 14. *Be it further enacted*, That the marshal shall Marshal's powers. have in said town all the powers of a constable, and shall be entitled to all the fees of such officer; he shall possess in said town all the powers of a peace officer; he shall execute the orders, notices and process of the board and of the mayor, and may arrest with or without a warrant for all violations of town ordinances—without warrant in all cases when offense is committed in his presence—and in all other cases unless otherwise directed by the board;

he shall perform such other duties as the board may prescribe.

SEC. 15. *Be it further enacted*, That the marshal of said town shall have power to serve writs and all other processes issuing from the hands of justices of the peace, both in civil and criminal cases, which may be placed in his hands, and to perform all other duties as now conferred by law upon constables in this State; *Provided*, that the said marshal shall give bond and security for the faithful performance of his duties to the probate judge of Calhoun county; said bond shall be given in the same manner and be of the same effect as bonds now required to be given by constables in this State, and a proper record kept by the probate judge of said county.

SEC. 16. *Be it further enacted*, That the mayor and councilmen of said town shall have full and complete powers:

1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject to carry out the powers herein granted, and for the good government and order of said town, as they may think proper, and generally; and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws, not inconsistent with the laws of the State, as shall be needful for the government, police interest, welfare and good order of said town; and to affix thereto such penalties for violations of the same, by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the town not exceeding thirty days; and all persons convicted of any breach of by-laws or ordinances of said town failing to pay or secure such fine, may be imprisoned for such failure or placed at hard labor for the town until such fine and costs are paid in such manner as board may direct, not longer than thirty days; *Provided*, that any person shall have the right to give a stay-bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same; but if after such bond and security, such fine and costs be not paid in thirty days, execution to collect the same may be issued against the obligors in said bond. Board may pass all needful laws to compel persons to work in streets or elsewhere in the

Mayor & council to make and adopt by-laws.

Fine and imprisonment.

town, who refuse to work when under mayor's sentence for violating any town ordinance.

2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said town, and to preserve the health thereof, to establish and regulate quarantine in said town, and within one mile thereof, and punish any breach of quarantine law. Contagious diseases.

3. To prevent and remove all nuisances at expense of person causing the same or on whose premises the same may be found; to remove all decayed and dilapidated houses, and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of owners of same, when they fail or refuse upon reasonable notice to remove or repair and renovate such houses and structures. Nuisances.

4. To establish, set up and regulate hospitals, poor houses, work houses and houses of correction. Regulate poor houses.

5. To license, tax, regulate or restrain theatrical and other amusements, selling, retailing, buying or receiving or giving away vinous, spirituous, malt or intoxicating liquors or beverages; *Provided*, that the corporate authorities shall not have power to license sale of said liquors whilst any general or special law prohibiting such sale is in force in Calhoun county, and any and all liquors brought into Oxford, or made or kept there for sale in violation of law, shall be subject to seizure and forfeiture, under such rules and regulations as may be lawful, that may be prescribed by the corporate authorities. Licenses.

6. To restrain or prohibit gambling, gaming houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, and anything else hurtful to the good order and morals of society, and all misdemeanors, and all gambling implements and devices of any kind, shall be subject to seizure and forfeiture, under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Oxford, or made, or kept, or found there, to be used for purposes of gaming. To suppress gambling.

7. To appoint and regulate night and day watchmen. Watchmen.

8. To sink, repair and regulate public wells and cist-

terns, to establish and regulate fire plugs and public hydrants and to make all needful provisions to supply the town with water, gas and gas lights or other lights, and to control street lamps.

To keep up the streets & alleys. 9. To open, locate, establish, repair and regulate streets and alleys, and to change, alter or abolish and vacate them or any part or parts thereof; to establish pavements, sidewalks and curb and grade them and regulate the same, and make all salutary by-laws with respect to the use of the streets.

Drains and sewers. 10. To establish and build drains and sewers and reservoirs, and to regulate the same, and to compel owners of lots or real property to drain the same, and ditch it at the expense of the owner; to drain and ditch the same when the owners thereof refuse, or fail after ten days notice to drain and ditch it, and tax the expense of said ditching and draining against the property ditch and drained, which said tax shall the lien of and be enforced and collected like other taxes. The board may extend drains and sewers beyond town limits when necessary.

Parks 11. To establish, lay out, regulate and vacate public parks.

Fire limits. 12. To establish and regulate, or change fire limits, within said town, and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor; to require owners of all houses, where the public assemble in mass, to provide said houses with fire escapes and suitable exits.

Burial ground. 13. To lay out, regulate and control town cemetery, burial grounds, and to sell burial lots in same.

Prevent stock running at large 14. To prevent the running at large upon the streets all cows, dogs, hogs, or other animals, and to pass all laws, in the judgment of the board, necessary for the sale and impounding of said animals, upon proper notice to owners thereof.

Cars and locomotives. 15. To regulate and control running of cars or locomotives on or across streets and alleys of said town, and to control the speed of such cars and locomotives in said town, and to regulate and control the running of street cars; the operation of telephone companies as to where they shall place post and other apparatus.

16. To pass all necessary and proper laws for the

arrest, with or without a warrant, of all offenders against the town ordinances or State laws, and to confine such persons until tried, convicted or discharged by law. Arrest with or without warrant.

17. To pass laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawnbrokers. Auctioneers.

18. To make and ordain all necessary laws concerning idlers, paupers, prostitutes, gamblers, disorderly or vicious persons in correcting or restraining their vicious habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior, for a reasonable time, or upon their failure or refusal to give such bond and security for their condemnation to hard labor for the town, for a limited time, not to exceed thirty days.

19. To punish all persons who obstruct the marshal, or other officer, in the arrest of any person in said town, or in the lawful discharge of any duty in said town, and to punish any and all persons who, when called upon to aid in arresting any person, shall fail to give such aid. Punish parties obstructing officer in the discharge of duty.

20. To regulate and control the manner of building partition walls and fences, to regulate the keeping and storage of gunpowder, or other dangerous material, guano or other commercial fertilizer within said town, to regulate and control the sweeping of chimneys, the use of lights, stove-pipes and flues in all shops, stores, kitchens and other places, to cause the removal, or pulling down of houses, to prevent the spreading of fire, and to extinguish the same. To regulate buildings.

21. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, sewers, public parks and squares, to supply the town with pure water and for all other public municipal uses proper, on making just compensation to owners of land condemned, and the general laws of the State applicable to *ad quod damnum* suits shall apply in all such cases. To build drains and sewers and to supply town with water, the corporate authorities may exercise the eminent domain power as aforesaid outside of the town limits when necessary. Right of way.

22. To have and exercise full police powers in said town, to prevent crime and arrest offenders, to protect the rights of persons and property, to preserve the public peace, and for this purpose may command the aid and as- Police powers.

sistance of the sheriff of Calhoun county whenever the mayor or the board may deem the same necessary.

SEC. 17. *Be it further enacted*, That the mayor and councilmen shall have power to control and regulate the planting and removing of shade trees on all streets and alleys within said town, and may pass such ordinances for the protection or removal of such trees as they may deem proper.

SEC. 18. *Be it further enacted*, That the mayor and councilmen shall have full power to levy taxes on real and personal property, auction sales and sales of merchandise within said town; that the said tax on real and personal property shall be assessed and collected in the same manner as State and county taxes are assessed and collected by a person or persons selected to perform such duty by the mayor and councilmen; and when the assessment is made it shall be returned to the council of said town, who shall appoint three real estate owners of said town who shall examine and equalize the same, and may either increase or diminish the value of property therein assessed as they may deem just, and if such equalization be agreed to by the council, then said assessment shall be final; and the mayor shall issue his warrant annexed to the tax list to the collector of the corporation tax, which list shall contain the description of the real estate taxed, its valuation and the taxes assessed thereon; also the amount of the personal property valued or assessed to each person and the name of each person liable to street tax and the amount of said tax laid; *Provided*, that each person liable to pay upon sales at auction and sales of merchandise shall, at such times as the corporate authorities may determine, give in under oath, the gross amount of sales since the first of the year or from the time they last made returns of said sales, and as often as they shall be required to make such returns; *Provided*, they shall not be required to make such returns oftener than every three months; *Provided further*, that no tax shall be laid upon sales made under judicial proceedings, but it is expressly understood that no tax shall be laid on the sales of cotton or other products of the surrounding country, nor upon articles manufactured within the corporate limits of said town.

SEC. 19. *Be it further enacted*, That all taxes assessed and imposed by the corporate authorities of said

town, shall have the force and effect of a judgment at law against the individual assessed with the same, and for said taxes the said town of Oxford shall have a preferred lien over all incumbrances and securities whatsoever except county and State taxes, and all taxes assessed against the property of any person or persons under this act, or for which such person may become liable for the current year, shall be a lien upon the real and personal estate of such persons within the town of Oxford from the 1st day of January of that year, or if brought into the town after that time the lien shall attach from the time it is brought in, and it shall be the duty of the collector after giving ten days notice by posting notices in four or more public places in said town, or by publication in a newspaper published in said town, that the town tax or particular tax dues, as the case may be, are required to be paid to him on or before a certain day specified, and if the same is not paid at said time to levy on the personal estate of the individual or corporation assessed, and to sell the same or so much thereof as shall be sufficient to pay tax assessed, and such costs as are allowed by law to county collectors for like services; and notice of all such sales shall be given for the time and in the manner directed above; *Provided*, that the collector may sell real or personal property for taxes, but shall exhaust personal property before selling real estate.

SEC. 20. *Be it further enacted*, That the corporate authorities shall have power to levy a tax on itinerant or traveling auctioneers or merchants who remain less than one year in said town, which tax shall be laid and collected at such time and in such manner as the corporate authorities may direct.

SEC. 21. *Be it further enacted*, That the corporate authorities shall have power to impose and collect from all persons or corporations carrying on any business, trade or profession by agent or otherwise within the limits of said town, a license tax on such business, trade or profession, which shall be fixed by ordinance from time to time, and the amount regulated as the council may deem fit and collected as other taxes. Said corporate authorities may also by ordinance impose such fines and penalties as they may deem advisable, for the doing of any business or the carrying on of any trade or the practicing of any profession by any party, who shall fail to take out such

license as may be imposed by said corporate authorities under this act.

Road duty.

SEC. 22. *Be it further enacted*, That said corporate authorities may require all male inhabitants of said town who have resided therein ten days, and who are between the ages of 18 and 45 years, to work upon the streets of said town for at least five days in each year under such officer as board may appoint; *Provided*, that any person so required to work may relieve himself from so working by paying into town treasury such sum as board may direct, and said authorities shall also have power to impose fines and fix penalties on any person who fails or refuses to pay sum required or to work as required under this act; *Provided further*, that the inhabitants of said town shall be exempt from road duty outside the limits of said town.

Shows, concerts, &c.

SEC. 23. *Be it further enacted*, That the mayor and councilmen shall have power to levy and collect a license tax upon any show, concert and exhibition or occupation, avocation or employment that may be carried on or engaged in by any person, firm, company or corporation within the corporate limits of said town, and the said corporate authorities shall have the power to pass such ordinances and affix such penalties as they think necessary to enforce obedience to their various ordinances, and for any offense committed in violation of any ordinance of said town.

Amount of tax.

SEC. 24. *Be it further enacted*, That no more than one-half of one per cent. of the value thereof shall be collected on any real estate or personal property in any one year, except as herein provided.

Repeal of former charter.

SEC. 25. *Be it further enacted*, That the present charter of Oxford, and all laws and parts of laws in conflict with the provisions of this act, be and the same is hereby repealed.

Charter liberally construed.

SEC. 26. *Be it further enacted*, That all existing laws and ordinances of the town of Oxford, adopted in pursuance of law, shall be and remain in force until repealed or modified by the mayor and councilmen of Oxford, and all the powers granted by this act shall and must be liberally construed in favor of the power of the town to pass such laws.

Approved February 17, 1885.

No. 370.]

AN ACT

[H. B. 613.]

To regulate the irrigation and overflowing of lands for growing rice in the counties of Bibb, Chilton and Perry.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person may irrigate or overflow lands for the purpose of growing rice in the counties of Bibb, Chilton and Perry, under the following provisions: 1st. No lands, except cleared lands, free of timber, and that has been in actual cultivation for at least two years, shall be irrigated or overflowed. 2d. Every person irrigating or overflowing lands as specified in subdivision one of this act, is required to confine the water so used in irrigating or overflowing such lands exclusively to such lands upon which he is growing rice, and shall convey the water so used in irrigating or overflowing such lands back to the original channel or water course, or some other running stream or water course, by suitable ditches, or other suitable means, as soon as the same passes over the land upon which such rice crop is growing, so as to prevent the same from creating ponds or overflowing other lands. 3d. If the health of the neighborhood is endangered or affected by the irrigation or overflowing of any of such lands, the person irrigating or overflowing the lands causing such danger to health or affecting the same, shall desist from overflowing such lands, and such lands shall not be irrigated or overflowed in the next ensuing year.

Irrigation of  
lands for grow-  
ing rice.

Confined to  
lands grow-  
ing rice.

If unhealthy.

SEC. 2. *Be it further enacted*, That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and on conviction therefor shall be fined not more than one hundred dollars.

Penalty.

Approved February 17, 1885.

No. 371.]

AN ACT

[H. B. 614.]

To amend and repeal certain sections of an act entitled an act to organize and regulate a system of public instruction for the State of Alabama, approved February the 7th, A. D. 1879, so far as the same relates to Dale county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the act entitled an act to organize and regulate a system of public instruction for the State of Alabama, approved February 7th, A. D. 1879, be amended so as to read as follows, to-wit:

Amendment of  
school act as to  
Dale county.

Payment of  
teachers.

1. That part first of subdivision one of section thirteen be amended so as to read: He must pay the teachers of the public schools quarterly, on the third Saturday of January, April, July and October, or as soon thereafter as practicable, upon the order of the district or township superintendent, in which township or district the parents or guardians of the children attending such school reside, and he shall take receipts in duplicate, one to be kept in his office and one to be forwarded, with his report, to the superintendent of education as a voucher for money thus disbursed.

Pro rata annu-  
al apportion-  
ment.

2. That part of subdivision six of said section thirteen (13) be amended so as to read: As soon as the county superintendent receives the annual apportionment of the educational fund to his county, he shall forthwith divide the amount apportioned each district or township into four equal or quarterly parts of each so as to be paid teachers quarterly as provided in this act, and he shall forthwith notify each district and township superintendent of the amount apportioned for each race to the district or township.

District super-  
intendent.

3. That section twenty-nine (29) be amended so as to read: The district or township superintendent shall have immediate supervision of the public schools in his district or township, and shall have power to establish one or more schools of either race in such district or township, and locate the same, and for the purpose of promoting the educational interest, he shall call a meeting of the parents and guardians of the children of his district, within the educational age, on the first Wednesday in September and March, and in consultation with such

parents and guardians, shall establish and locate such a number of public schools as public necessity requires, and as will best subserve the wishes, interest and convenience of the parents and guardians of his district or township; *Provided*, no school shall be established for a less period of time than twelve weeks, or to terminate after the 30th day of September of each year, and may transact such other business as may be necessary to carry out the provisions of law for public schools. School terms.

4. That section thirty-one (31) be amended so as to read: Whenever any parent or guardian shall desire to send to a public school established outside of the district or township in which such parent or guardian shall reside, such parent or guardian must obtain the written consent of the district or township superintendent in which such parent or guardian shall reside and such school is located, and upon such written consent the teacher of the public school is hereby authorized and required to receive into his school such children, within the lawful age, upon the same terms and conditions other children are authorized to attend said school, and the teacher thereof shall be entitled to receive the *pro rata* allowed or paid for teaching in the township or district in which the parents or guardians of such children shall reside, in the manner provided by law. Scholar outside of district must get written consent of sup't.

5. That sections thirty-four (34) and thirty-five (35) be amended so as to read: The township or district superintendent shall in no case contract with teachers or open a public school for less than three scholastic months or twelve weeks, nor less than ten pupils within the educational age—if there are more than ten children of each race within such ages—nor more than forty pupils to each teacher, daily average; and all contracts with teachers shall be in writing and in duplicate, and must specify to be paid quarterly, as provided in this act, from the public school fund, the *pro rata* that shall be ascertained from the daily attendance of the pupils of the district or township in which the parents or guardians of the children reside attending such school, and in no case to exceed six and a half cents per pupil for each day attending school; one of said duplicates must be filed with the county superintendent within ten days. No contract for less than three months.

SEC. 2. *Be it further enacted*, That section forty-six (46) of the act named and described by title in section Pro rata of daily attendance.

one of this act, be and is hereby amended so as to read :  
That every teacher of a public school shall keep a register of the actual daily attendance of each pupil attending such school, and such register must show the sex, name and age of each pupil attending such school each day, and the township and range in which the parent or guardian of each pupil reside, and each teacher in charge of any public school, shall by the first Saturday of October, January, April and July, submit under oath to the district or township superintendent in which any parent or guardian of any pupil attending such school shall reside, a written or printed, or partly written and partly printed report of such school; and said report must show the race and grade of such school, the name, sex, age and township or district and range of each pupil, each day of the week each pupil attended, the number of days said school was taught, together with the aggregate and average daily attendance from each district or township and range for each quarter ending the day before the quarter day named in this section, and as soon thereafter as practicable, not to exceed five days, the district or township superintendent shall ascertain the quarterly *pro rata* amount, quarterly due each teacher for services rendered in teaching the pupils within lawful age whose parents or guardians reside within the limits of such district or township superintendent, who shall draw his order on the county superintendent in favor of such teacher for the amount ascertained to be due him or them for such quarter, to which order the sworn to report of the teacher must be attached, and upon presentation to the county superintendent and being found correct, he shall pay and file the same for examination, taking receipts for the payment as provided by law, and any teacher who shall make a false report required of him by law, shall be guilty of perjury and upon conviction shall be punished as provided by law in such a crime; any district or township superintendent who shall make any false report or certificate or order required of him by law, shall be guilty of a misdemeanor and upon conviction must be fined not less than twenty dollars for each offense, and may be imprisoned in the county jail not less than fifteen days; any county superintendent who shall make payment to any teacher of any sum of the school fund except as required by the provisions of this act, shall be guilty of a misdemeanor and

Teachers to keep register.

Report.

County sup't may pay and file.

Penalty; false statement.

upon conviction must be fined not less than two hundred dollars in each conviction, and in default to secure the payment of the same, with cost, must be sentenced to hard labor for the county at fifty cents per day until the same shall be paid, and in case of conviction said office shall be held vacated.

SEC. 3. *Be it further enacted*, That section thirty-eight (38) of the act named by title and described in section one of this act, be amended so as to read: The district or township superintendent must visit each school in his district or township at least once in each quarter of each year for the purpose of enquiring into the discipline and management of each school, the studies taught therein, and efficiency of the teacher or teachers thereof, and shall generally do and perform all and singular duties required of him by law, whereby the educational interest of his district or township shall be subserved and promoted.

SEC. 4. *Be it further enacted*, That section forty-three (43) of said act named by title and described in section one of this act, be amended so as to read: Every teacher of a public school must at the end of each scholastic quarter, or within ten days thereafter, in addition to the report required of him in section two of this act, forward to the county superintendent a full and complete report, which report must set forth the race and grade of the school, the district or township and range in which the school is located, the number of pupils and their sex, enrolled, the district or township and range in which the parents or guardians of the pupils reside, the number of days taught, the average daily attendance, the amount due for such service, the name and postoffice address of the teacher, the number of visits of the district or township superintendent. Such report must be sworn to by the teacher, who shall not receive of the public school fund any compensation for service rendered in any public school before filing with the county superintendent the report as required by this section.

Teacher must forward sup't full report.

SEC. 5. *Be it further enacted*, That section thirty-seven (37) of said act, named and described by title in the first section of this act, be and the same is hereby repealed, together with all laws or parts thereof in conflict with the provisions of this act.

Repeal of section 37.

SEC. 6. *Be it further enacted*, That the provisions of

Applies only to  
Dale county.

this act shall not apply to any county except Dale county, nor shall the same have effect in said county before the first day of October, A. D. 1885.

SEC. 7. *Be it further enacted*, That the superintendent shall furnish the county superintendent of Dale county with all necessary blanks for the making all reports required by the provisions of this act.

Approved February 17, 1885.

No. 372.]

AN ACT

[H. B. 619.

To amend the charter of the Stonewall Insurance Company of Mobile and extend the provisions thereof.

To amend the  
charter of the  
Stonewall In-  
surance Co.

Corporators.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled "an act to incorporate the Stonewall Insurance Company," approved February 10th, A. D. 1866, and the several acts amendatory thereof, to-wit: The act entitled "an act to amend the charter of the Stonewall Insurance Company," approved December 7th, 1866; the act approved August 11th, 1868, entitled "an act to amend an act entitled an act to incorporate the Stonewall Insurance Company," approved February 10th, 1866, and the act approved March 22d, 1873, entitled "an act to amend section seven of an act to incorporate the Stonewall Insurance Company," approved February 10th, 1866, be, and they are so amended, altered and changed that hereafter the charter of the said Stonewall Insurance Company of Mobile shall be and read as follows, viz: Section 1. *Be it enacted by the General Assembly of Alabama*, That William J. Hearin, James McDonnell, E. S. Perryman, Samuel Brown, John A. DePras, Leroy Brewer, Hardaway Young, John Bowen, F. A. Hodges, John Wylie and such other persons as are stockholders with them in the company now known as The Stonewall Insurance Company and their successors as such stockholders be, and they are hereby made a body politic and corporate under the name and style of the "*Stonewall Insurance Company*," for the purpose of carrying on, conducting and doing a general insurance business in the Port of Mobile.

SEC. 2. *Be it further enacted*, That said company

shall have power and authority in its corporate name to sue and be sued; to have a common seal and to alter the same at pleasure; to hold, purchase, convey and dispose of all kinds of estate, real and personal; to receive, accept, constitute and appoint agencies at their pleasure; to appoint such subordinate officers, clerks and employees as, in the opinion of its board of directors, may be necessary or proper for the transaction of its business; to prescribe their duties and fix their compensation; to make by-laws for the government of the company not inconsistent with the laws of this State or of the United States; to provide for the transfer of its stock, the management of its property and affairs and to alter and amend such by-laws and regulations at pleasure; to make notes and draw bills, to discount bills of exchange and promissory notes, or buy and sell the same; to endorse and transfer its bills receivable; to buy and sell gold and silver coin or bullion; to receive deposits on trust; to borrow money; to use its money, whether arising from capital or earnings, in lending out the same at interest on such security as it may think proper; to loan its surplus funds on any capital stock of incorporated companies, or on obligations of this State or of the United States, or on notes or bonds secured by mortgage on real estate, worth at least double the amount of such loan; and generally to do all things necessary to carry into effect the express powers hereby granted and that usually pertain to a general insurance business.

SEC. 3. *Be it further enacted*, That the business of said company shall be, and said company is hereby empowered to make insurance upon houses, cotton, corn and other produce, upon vessels, freights, steamboats, ships and all kinds of vessels and water craft, and all sorts of goods and merchandise, money, gold, silver, bullion and foreign coin, and all other species of property, against loss or damage by fire, water, dangers of the seas or river, and all other casualties and risks, and to make such insurance upon such terms and compensation as it may think proper.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, which has been already paid in and is now held as its capital stock, divided into fifteen hundred shares of one hundred dollars each; but the capital stock of

Corporate  
powers.

Issue insur-  
ance.

Capital stock..

said company may, in the manner prescribed by the directors, be increased at any time until it reaches the sum of four hundred thousand dollars, or may be reduced until it reaches the sum of one hundred thousand dollars, but neither such increase nor reduction shall be authorized except by a majority of the stock of said company voted at a meeting of the stockholders held for the purpose of voting on the proposition, not less than thirty days after notice in writing thereof shall have been mailed to each stockholder, which notice shall explicitly state what increase or reduction is proposed.

Business managed by board of directors.

SEC. 5. *Be it further enacted*, That the business of the company shall be managed by its present board of directors until the next general election.

Election of officers.

SEC. 6. *Be it further enacted*, That an election shall be held on the second Monday in May, A. D. 1885, or as soon thereafter as practicable at the office of the said company in the Port of Mobile and between such hours as the board of directors may appoint, for the election of fifteen directors to serve for one year and until their successors are elected, and annually thereafter a similar election shall be held at the same time and place and in the same manner for fifteen directors to serve for the ensuing year and until their successors are elected; but any general meeting of the stockholders may, by resolution, appoint a different time for the holding of the next general meeting of the stockholders. Reasonable notice of the time and place of such election shall be given by advertisement published in one or more newspapers in the said Port of Mobile. The board of directors, as soon as convenient after their election, shall choose one of their own number to be president of the company, and such board of directors shall have the management, direction and control of the affairs of the company for the next twelve months or until their successors are elected. No person shall be elected a director unless he is a stockholder in said company. In all elections each stockholder shall be entitled to one vote for each share of stock held by him.

Qualifications of a director.

Number of directors limited.

SEC. 7. *Be it further enacted*, That until otherwise arranged the number of directors of said company shall be fifteen, but the stockholders may, at any general meeting of the stockholders, change the number of directors; *Provided*, that there shall at no time be more

than fifteen or less than seven; and *Provided also*, that no such change shall be made unless with the consent of the persons holding the larger amount in value of the stock of the said company which may be outstanding at the time.

SEC. 8. *Be it further enacted*, That the board of directors may elect a secretary of the company and all other officers, clerks and employees that they may consider necessary or proper, prescribe their duties, fix their salaries or compensation, and require from them such bonds and security as they may think proper, and may remove such secretary, officers, clerks and employees at their pleasure. They may also allow to the president of the company such salary or compensation as they may consider proper. Said board of directors may at any time, by by-law, establish and declare the number of directors, not less than three which shall constitute a quorum for the transaction of business.

Secretary and clerks.

Salary of president.

SEC. 9. *Be it further enacted*, That the office of the said company and its chief place of business shall be in the Port of Mobile, but it may establish agencies or branches of its business at such other place or places as it may think proper.

Office; where.

SEC. 10. *Be it further enacted*, That at the time and place of the annual election for directors of the said company, there shall also be held an annual meeting of the stockholders of said company, and notice of said annual meeting shall be given at the same time and in the same manner as the notice of such annual election, and at this meeting a report shall be made by the board of directors of the transactions of the company for the preceding year and of the condition of the company. The board of directors may, for a special purpose, call a general meeting of the stockholders at such other times as they may think proper. At any general meeting of the stockholders, the president of the company, or in his absence, one of the directors shall act as temporary president of the meeting until the meeting shall elect a permanent president. The secretary of the company, or in his absence such person as the president shall appoint, shall act as temporary secretary until the meeting shall elect a permanent secretary. Upon all questions raised and voted on at a general meeting of the stockholders, any stockholder may require voting by stock, and thereupon each member shall be en-

Annual election; time and place.

Meeting of the stockholders.

titled to one vote for each share of stock owned or represented by him, otherwise each stockholder present shall be entitled to only one vote. At such general meetings, stockholders may vote by proxy or agent, but no person shall be admitted to vote as proxy or agent for another unless he is himself a stockholder in the company. The meeting shall judge of the genuineness and sufficiency of any proxy presented or claimed. The directors will be elected for one year and until their successors are elected, and a plurality of the votes shall elect.

Vote by proxy.

SEC. 11. *Be it further enacted*, That the directors elected at any general meeting of the stockholders shall continue in office until their successors are elected or until they forfeit their office. A person elected as director shall forfeit his office and cease to be a director by his ceasing to be a stockholder of the company or absenting himself from the Port of Mobile for more than four months at a time without the consent of the board of directors. The board of directors may fill vacancies occurring in their own body by death, resignation or forfeiture.

Term of office of directors.

SEC. 12. *Be it further enacted*, That the board of directors of the company may prescribe the manner and form in which certification of stock in the company shall be issued and the manner and form in which such stock shall be transferred, but all transfers of such stock must be made or registered on the books of the company. And the company shall have a lien on the stock of each stockholder for any debt or liability of such stockholder to the company, and may refuse to allow the sale or transfer of such stock until such debt or liability is discharged.

Certificates of stock.

SEC. 13. *Be it further enacted*, That whenever any insurance is effected in said company or any premium of insurance paid, the company may allow or pay to the person or party insured or applying for the insurance, such commission or return premium as may be prescribed by the company or agreed on at that time, or may charge a net premium bearing no rebate, return or commission as said company, its officers or agents may deem best. In the month of July, of each year, the board of directors shall make or cause to be made by the proper officer of the company, a statement and estimate of the profits and losses of the company for the preceding twelve months, and also a statement of all cash paid to the company for

Rebate.

or on account of premiums for the period of time and by whom paid; and which statement shall be verified by affidavit and filed with the papers of the company for the examination and information of all parties interested. The board of directors shall thereupon, in the month July, in each year, declare such a dividend out of the profits and surplus of the company beyond the amount of its capital stock as said board may think proper and payable to the stockholders in such manner that each of them shall have his ratable and proper proportionate share thereof. Said board of directors may, if they think proper, place the surplus of profits from the years' business, if any, after paying expenses, to the credit of the reserve fund or such other account as they may see fit, and they may, if they think proper, make no dividend whatever. If the net earnings for any twelve months preceding the time of the annual statement aforesaid, at any time should exceed ten per cent. upon the amount of the capital stock of the company, the said board of directors may set apart so much of the excess over and above said ten per cent. as they may deem best, and carry the same to the reserve fund.

Dividends.

Reserve fund.

SEC. 14. *Be it further enacted*, That the corporate existence and all the corporate powers and privileges of the said company shall continue for twenty years from the tenth day of February, in the year of our Lord eighteen hundred and eighty-six, that being the date of the expiration of the present charter.

Corporate existence.

SEC. 15. *Be it further enacted*, That the charter of said Stonewall Insurance Company be, and the same is hereby amended and extended as prescribed by this act, upon the condition that said corporation shall hereafter hold its charter subject to the provisions of the now existing Constitution of this State.

Charter as amended.

SEC. 16. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 17, 1885.

No. 373.]

AN ACT

[H. B. 630.]

To authorize an election to be held to prohibit the sale, giving away, or otherwise disposing of, for gain or recompense, spirituous, vinous or malt liquors, or intoxicating bitters, within six miles square, the school house near the little village of Oakville, in the county of Lawrence, being the centre thereof.

Prohibitory  
election in  
Lawrence co.

Area embraced

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever ten or more freeholders and householders, who reside within three miles of the above-named school house near the village of Oakville, in the county of Lawrence, and State of Alabama, file in the office of the judge of probate of said county, a petition in writing, praying for an election to be held within said area, that is within the area embraced, six (6) miles square, the said school house being the centre of said square, to procure the prohibition of the sale, giving away, or otherwise disposing of, vinous, spirituous or malt liquors, or intoxicating bitters, within said area, it shall be the duty of the judge of probate to order an election to be held at the voting precinct of Oakville, and fix time of holding the same, which shall not be more than ninety nor less than forty days from the time of filing said petition.

Sheriff to give  
notice.

SEC. 2. *Be it further enacted*, That the sheriff of said county, shall give notice, at least thirty days before the time fixed for such election, of the time of holding, and what purpose said election is to be held, by publication as now required by section two hundred and sixty-one of the Code of Alabama, and the inspectors, returning officers, and clerks shall be appointed, and said election shall be conducted in accordance with the law governing general elections, but said officers of said election shall receive no compensation, and one of said inspectors shall be in favor of, and one opposed to the prohibition aforesaid, and the ballots cast shall be numbered to correspond with the number opposite the name of the voter on the poll list.

Vote for or  
against prohibi-  
tion.

SEC. 3. *Be it further enacted*, That at such election those who desire to vote for prohibition shall deposit their ballots with the words, "For Prohibition," written or printed thereon, and those who desire to vote against

prohibition shall deposit their ballots with the words, "Against Prohibition," written or printed thereon, and no ballot shall be regarded as illegal by reason of its size or color of paper on which it is written or printed. When the ballots so cast are returned, and counted by the board of supervisors, as now required in general elections, the result of said election shall be, by the "Judge of Probate," within ten days, published in a newspaper of said county, and said publication shall be twice made. Probate judge to publish result.

SEC. 4. *Be it further enacted*, That if the result of said election shall be in favor of prohibition, then, after the expiration of the calendar year in which said election may be held, it shall be unlawful for any person, firm or corporation to sell, give away, or otherwise dispose of, for gain or recompense, any vinous, spirituous or malt liquors, or intoxicating bitters, within the said area of six miles square, the said school house near Oakville being the centre thereof.

SEC. 5. *Be it further enacted*, That any person who shall violate the provisions of the preceding section shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars, and, on conviction of the same defendant for the second offense, in addition to the aforesaid penalty, may be sentenced to imprisonment in the county jail or hard labor for the county for not more than six months, at the discretion of the court or jury trying the same. Penalty.

SEC. 6. *Be it further enacted*, That any person who sells, or gives away, or aids in selling, or giving away any intoxicating liquors or beverages of any description, within the limits in which said election is had, that is, within the six (6) miles, on the day of any election and also the day previous, provided for by this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than two hundred dollars nor more than five hundred dollars, and may be sentenced to hard labor for the county for not more than six months, one or both, at the discretion of the court or jury trying the same. Day of election

SEC. 7. *Be it further enacted*, That section five of this act shall not be so construed as to prohibit the use of wine for sacramental purposes, or the use of vinous, spirituous or malt liquors by regular practicing physicians in their regular practice, or the use of the same by Exceptions.

any one for social or medicinal purposes at their own house or private residence, or to members of their own family.

Qualifications  
of elector.

SEC. 8. *Be it further enacted*, That the qualification of electors, at any election held under this act, are the same as under the general election law, and they shall reside within said area of six miles square, the said school house near Oakville being the centre in which the election is held, and every elector proposing to vote on this question, either *pro* or *con*, shall be required by the supervisors of said election to swear that he lives within the limits of the six miles square, the said school house near Oakville being the centre.

Approved February 17, 1885.

No. 374.]

AN ACT

[H. B. 633.]

To prevent stock from running at large in Lawrenceville beat in Henry county; also the following named election precincts in Madison county, to-wit: Huntsville, Meridian, Madison, Trianna, Lanier's and Whitesburg, and to submit the ratification of the same to a vote of the qualified electors of said beats respectively.

Stock law in  
certain dis-  
tricts.

Boundaries.

Liability of  
owner.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for the owner of any horse, mule, ass, cow, hog, sheep or goat in that portion of Henry county known as Lawrenceville beat, and having the following boundaries, to-wit: On the north by the Barbour county line, west by Choctawhatchie river, south by the beat line, and east by the Abbey creek; also the following named election precincts in Madison county, to-wit: Huntsville, Meridian, Madison, Trianna, Lanier's and Whitesburg, voluntarily to permit any such animal to go at large off the premises of such owner, and the owner of any such animal permitted to go at large shall be liable to any party injured thereby, for all damages done to the fruit or shade trees, ornamental shrubbery or crops of any person or persons to be recovered before any court of competent jurisdiction; and the judgment of the court when against the owner of any such stock so depredating, shall be a lien on the stock causing such injury in addi-

tion to other liens which an execution issued on said judgment may have according to law.

SEC. 2. *Be it further enacted*, That any person who is the owner of, or is lawfully in the possession of any land, or the agents of such person, within the limits of the above described territory, shall have the right to take possession of any animal named in the preceding section, if found at large and uncontrolled on the premises of such person, and when so taken up such person or his agent so taking up such animal shall notify personally or by leaving a written notice at the usual place of residence of the nearest justice of the peace in his beat of the same, when the owner is unknown, and the owner of such animal when known, within twenty-four hours after such seizure. Penalty.

SEC. 3. *Be it further enacted*, That the owner of any such animal which has been seized as provided in section two of this act, shall have the right to the possession of the same on paying the damages, fees, costs and expenses due on account of such seizure to the person so seizing such animal; but should the parties not be able to agree upon the amount of damages, fees, costs and expenses due, either party shall have the right to go before any justice of the peace within said territory, or to the nearest justice of the peace should there be none within said territory, and have the issue tried instantler or as soon as practicable on a written statement or complaint setting forth in substance the facts of such seizure, first giving the opposite party notice thereof, and said issues shall involve the validity of such seizure, the amount of damages, fees, costs and expenses under the provisions of this act, and the judgment of said justice of the peace shall have all the force and effect of a judgment in any other case at law and be executed in the same manner as any other judgment of a justice's court is enforced, and on the trial of such issue the party taking up such animal shall be the plaintiff in the action; *Provided*, the damages assessed in any such case shall not exceed fifty dollars; but if the owner of such animal is unknown, the person taking up the same shall proceed as though such animal was an estray and in accordance with the laws provided in the case of estrays. Assessing damages.

SEC. 4. *Be it further enacted*, That if the owner when known, or his agent, shall not claim his animal in Owner unknown.

Estrays.

ten days after he is notified of the taking up of such animal, then the same shall be considered an estray and the person taking the said animal up, or his agent, shall proceed in relation thereto in the same manner as in the case of an estray.

Fees.

SEC. 5. *Be it further enacted*, That for taking up and keeping animals under this act, the following fees shall be allowed: For taking up or keeping each horse, mule or ass, \$1.00; each hog or cow, 50 cents; each sheep or goat, 25 cents; and one-half of such sums for every day such animal or animals are kept by the taker up; *Provided*, that young animals incapable of damaging crops shall not be charged for, and that the taker up or his agent shall not be liable therefor except in cases of wilful neglect, or where the injury is intended.

Does not apply.

SEC. 6. *Be it further enacted*, That the provisions of this act shall not apply to stock belonging to persons living without the limits of the stock law districts, as described in the first section of this act except where the stock law prevails, and that this act shall be inoperative from the first day of December to the fifteenth day of February of each year; *Provided*, that stock running at large during such time upon any growing or outstanding crop, shall be subject to all the penalties and damages arising under this act.

When goes into effect.

SEC. 7. *Be it further enacted*, That this act shall not go into effect until it is ratified by the qualified electors residing in said beat at an election to be held as provided in section eight of this act, and not then until the land owners residing within the limits of said beat shall build a good and lawful fence on the lines between said beat and the other parts of the counties of Henry and Barbour and Madison where no stock law exists.

Probate judge to order election.

SEC. 8. *Be it further enacted*, That within thirty days after the approval of this act the probate judge of said county shall order an election, on a day therein named, to be held at Lawrenceville, in said beat, and appoint three resident householders or freeholders of said beat to conduct the same, which order shall contain the names of the parties so appointed, and be posted at three public places in said beat for at least ten days before the day named for such election; and the parties so appointed, or in their absence any three householders or freeholders of said beat who will act, after first taking an oath to con-

duct said election fairly, and make a full and true return thereof, which oath they can administer to each other, shall open the polls at said election and conduct the same, Polls opened. the polls to be opened at 9 o'clock a. m. and closed at 4 o'clock p. m.; and at said election any qualified voter residing within said beat shall have the right to vote. Those favoring the provisions of this act and desiring to vote for the ratification thereof, will deposit a ballot with the words "for ratification" written or printed thereon, Manner of voting. and those opposed will deposit a ballot with the words "against ratification" written or printed thereon; and the parties conducting said election shall, as soon as practicable, certify the result of said election, together with the ballots, tally-sheet and poll lists to the probate judge of said county, who shall, on Saturday next after the receipt of the same, at 12 o'clock, meridian, open and certify the same in the presence of all who may choose to attend, and record the result thereof; and any person Contest. desiring to contest said election can do so before the probate judge of said county, under the provisions of existing laws for the contest of elections. The provisions of this section shall apply to each of said beats in Madison county, and election shall be held by the order of the probate judge of said counties respectively, as is above provided for said beat in Henry county.

SEC. 9. *Be it further enacted,* That if at said election Result. a majority of the qualified electors of said beat who vote at said election shall vote in favor of the ratification of the provisions of this act, the same shall take effect upon the building of the fence as provided in section seven of this act.

Approved, February 17, 1885.

No. 375.]

AN ACT

[H. B. 635.]

To amend an act entitled an act to incorporate the Planters and Merchants Mutual Insurance Company of Mobile, approved February 16th, 1866, and also to amend an act entitled an act to amend an act entitled an act to incorporate the Planters and Merchants Mutual Insurance Company of Mobile, approved December 5th, 1866; also to amend an act entitled an act to amend an act to incorporate the Planters and Merchants Mutual Insurance Company of Mobile, which last act is approved August 11th, 1868.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That the act entitled an act to incorporate the Planters and Merchants Mutual Insurance Company of Mobile, approved February 16th, 1866, be and is now amended so as to extend the corporate existence of said company, under the laws of the State of Alabama, for the term of twenty years from and after the 16th day of February, 1886, this being the day of the expiration of the term of its charter, provided by the seventeenth section of said act.

**SEC. 2.** *Be it further enacted,* That the above named act, approved February 16th, 1866, and the amendment thereto, approved December 5th, 1866, and the further aforesaid amended act, approved August 11th, 1868, be and the same are hereby amended so as to read as follows, to-wit: That Albert P. Bush, Leroy Brewer, Samuel A. Barnett, Thomas G. Bush, John H. Fitzpatrick, Thomas S. Fry, Duncan T. Parker, and their associates and successors be and they are hereby made and constituted a body politic and corporate, by the name of the "Planters and Merchants Insurance Company," and by that name may have and use a common seal, sue and be sued, implead and be impleaded, acquire and hold or dispose of such real estate or other property as may be necessary for the proper transaction of its business, and may make such by-laws, rules and regulations for the transaction of its business as are not inconsistent with the constitution and laws of the United States, or of this State, or the provisions of this act.

**SEC. 3.** *Be it further enacted,* That the objects and purposes for which this corporation is created are to make

and effect insurance upon houses, ships, steamboats, goods, wares, merchandise and property of every description, against loss or injury by fire, water, tempest, or other casualties, and the said company shall have full power to make such insurance upon such terms as they may think proper.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be at least one hundred thousand dollars, and may be increased from time to time, as provided by the laws of the State of Alabama, to any amount, not exceeding five hundred thousand dollars, to be divided into shares of fifty dollars each. Capital stock.

SEC. 5. *Be it further enacted*, That the business and affairs of the company shall be managed by seven directors elected by the stockholders, and the directors so elected shall choose one of their number to be president of the company. No person shall be elected as a director unless he is at the time of his election a stockholder in said company. At every election of directors such stockholders shall be entitled to one vote for each and every share of stocks so held by him or them. Directors.

SEC. 6. *Be it further enacted*, That the president and directors shall elect a secretary of the said company, and may elect or appoint such other officers and agents as they may think necessary for the proper management of its affairs, and may prescribe the duties and fix the salaries of the secretary and such other officers and agents, and may require such of them as they think proper to execute such bond, with security for the faithful discharge of their official duty respectively, in such sum, or sums, and in such form as they may prescribe or approve. Secretary.

SEC. 7. *Be it further enacted*, That the said company shall be located and have its principal office, or place of business, in the city of Mobile, and may establish agencies or branches in such other places as they may think proper. Office, where.

SEC. 8. *Be it further enacted*, That the annual meeting of the stockholders of said company shall be held at the office of said company, in the city of Mobile, on the second Monday in July of each year, at which meeting a report shall be made to the meeting by the president and directors of the company, of the transactions of the company for the preceding year and of the condition of the Annual meetings.

General meet-  
ing of stock-  
holders.

company, and an election shall be held for directors of the company for the ensuing year, but any general meeting of the stockholders may, by resolution, appoint a different time for holding the next general meeting of the stockholders. The president and directors may, for special purposes, call a general meeting of the stockholders at such other times as they may think proper. At every general meeting of the stockholders the president of the company, or, in his absence, one of the directors, shall act as temporary president of the meeting until the meeting has elected a permanent president; and the secretary of the company, or, in his absence, such person as the presiding officer shall appoint shall act as temporary secretary of the meeting until the meeting shall elect a permanent secretary. Upon all questions raised or voted on at a general meeting of the stockholders, any stockholder present may require a vote for each share of stock owned or represented by him, otherwise each stockholder present shall be entitled to only one vote at such general meetings. Stockholders may vote by proxy or agent, but no person shall be admitted to vote as proxy or agent for another unless he is himself a stockholder in the company. The meeting shall judge of and determine the genuineness and sufficiency of any proxy presented or claimed.

Vote by proxy.

Directors forfeit office; how.

SEC. 9. *Be it further enacted,* That the directors elected at any general meeting of the stockholders shall continue in office until their successors are elected, or they forfeit their office. A person elected as director shall forfeit his office and cease to be a director by his ceasing to be a stockholder of the company. The president and directors may fill vacancies occurring in their own body by death, resignation, or forfeitures.

Certificates of stock.

SEC. 10. *Be it further enacted,* That the president and directors of the company may prescribe the manner and form in which certificates of stock in the company shall be issued, and the manner and form in which such stock is transferred, and the company shall have a lien on the stock of each stockholder for any debt or liability of such stockholder to the company, and may refuse to allow the sale, or transfer, of such stock until such debt or liability is discharged.

SEC. 11. *Be it further enacted,* That in the month of July of each year, or at such other time as the directors

may appoint, the president and directors of the company shall make or cause to be made by the proper officers of the company an estimate of the profits and losses of the company, and also a statement of all cash paid into the company for or on account of premiums for the preceding twelve months, and by whom paid, which statement shall be verified by affidavit and filed with the papers of the company for the examination and information of all parties interested; and the president and directors may, at any time, divide any reserve fund among the stockholders; *Provided*, a fund of at least twenty-five thousand dollars be reserved for the protection of its policy holders. Annual statement.

SEC. 12. *Be it further enacted*, That the said company may use its money, whether arising from capital or earnings in lending out the same at lawful interest, on such security as it may think proper, or in discounting or purchasing promissory notes, bills of exchange, bonds or other good and solvent securities.

SEC. 13. *Be it further enacted*, That the name of said corporation be, and is hereby changed from the "Planters and Merchants Mutual Insurance Company of Mobile" to the "Planters and Merchants Insurance Company," by which name it shall hereafter be known and called, and said company shall be subject to such general laws of the State of Alabama as are now in force, or may be hereafter enacted in regard to similar corporations. Name changed

SEC. 14. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act be, and they are hereby repealed.

Approved February 17, 1885.

No. 376.]

AN ACT

[H. B. 752.]

To incorporate the "St. Clair Coal Company."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Edward T. Paine, of Fulton county, in the State of Georgia, and W. P. Laramore, of Floyd county, in the State of Georgia, and such other persons as may be hereafter associated with them, be and they are hereby created a body politic and corporate, with per- To incorp'rate St. Clair Coal Company.

**Business of.** perpetual succession under the name and style of the "St. Clair Coal Company," and by that name may sue and be sued, plead and be impleaded in all the courts of this State or elsewhere; may contract and be contracted with, may purchase, own, hold, sell and convey property, real, personal and mixed, and may acquire lands in payment of debts or for subscription of stock or otherwise, and do and perform everything which may pertain to the business of mining, transporting, buying and selling of coal, coke, iron, cement, bricks, rock and lumber and all other things connected with the business of said company, which by the laws of this State, an individual may do and perform, and shall have power to make all contracts for motive power, to drive machinery and to use steam or water or both for the same, may have a common seal and alter the same at pleasure, and may make and prescribe such rules, regulations and by-laws as it may see fit to make and prescribe with reference to its affairs not inconsistent with the provisions of this charter, or the laws and constitution of this State or of the United States.

**Capital stock.** SEC. 2. *Be it further enacted,* That the capital stock of said company is hereby fixed at fifty thousand dollars, but that said company may organize and commence business when five thousand dollars have been subscribed and paid up. The said capital stock shall be divided into shares of one hundred dollars each, and transferable only on the books of the company in such mode and manner as the by-laws of the company may fix and prescribe.

**Books of subscription** Within twelve months after the grant of this charter, said corporation shall open the books of said company for subscription to said stock at the court house, in Ashville, and when five thousand dollars of said capital stock has been subscribed and paid up as afore mentioned, said subscribers may hold a meeting at Fairview Station, in St. Clair county, Alabama, and proceed to organize said company as above provided.

**To construct railroad, &c.** SEC. 3. *Be it further enacted,* That for mining or manufacturing purposes, said company shall have the power to construct and operate a railroad or tramway for its own use and purposes to and from its works or place of business, or to connect with some navigable stream or with some existing railroad or other public highway, not to exceed fifteen miles in length, and shall have the right to condemn, for the use of such road, the right of way in

the lands over which the road may pass, on payment to the owner thereof just compensation, and the general laws of this State applicable to writs of *ad quod damnum* shall apply in all such cases.

SEC. 4. *Be it further enacted*, That the officers of said company shall consist of three directors, who shall be chosen by a majority of the stockholders by ballot, at the organization of the company and annually thereafter, by a majority of such stockholders in like manner at a meeting to be provided for in the by-laws of the company, and at such elections and at all meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock held by such stockholder. The directors so elected, shall organize by choosing one of their number as president, whose duty shall be prescribed in said by-laws, and who shall hold his office during the term he shall be chosen as director of said company, unless sooner removed by a majority of such board at a regular meeting of such board of directors. A majority of such directors shall constitute a quorum, and said directors shall hold their office for one year and until their successors are chosen and proceed to act. Said directors shall also choose a secretary and treasurer of and for said company, who shall hold their office for one year, or for such time as may be provided in said by-laws; *Provided*, that said two offices last mentioned may be united in the same person. The said directors shall manage and control all the business of the company and exercise all of its corporate powers and fill vacancies in their number which may occur between the annual elections; and shall have the further power to appoint such other officers and agents of the company as they may deem best.

Officers.

Directors, secretary & treasurer.

SEC. 5. *Be it further enacted*, That at each annual meeting of the stockholders at which directors are chosen, the old board of directors shall, through their president, make a report in writing upon the condition of the affairs of the company, showing the assets of every description and the indebtedness of the company, and the amount of its receipts and disbursements during the foregoing year, and the salaries paid each officer and agents of said company for such year.

Annual meeting of stockholders.

SEC. 6. *Be it further enacted*, That the general office of said company shall be at such place in Alabama as

Office, where.

may be designated in the by-laws of said company in accordance with the demands of its business; and all meetings of directors and stockholders of said company shall be held where such principal or general office is situated at the time of such meeting or election.

SEC. 7. *Be it further enacted*, That said company shall have the power to erect and maintain all buildings, factories, warehouses, storehouses and appurtenances which it may deem necessary for its business, and may buy and sell such articles of provisions and merchandise as it may see proper to supply its laborers, employees, customers or other persons.

Additional  
stock.

SEC. 8. *Be it further enacted*, That after its organization, said company may by a vote of its stockholders to that end, from time to time issue additional stock upon payment for the same in full, either in money or property at its cash value, to *bona fide* subscribers, until all the capital stock of said company is taken up; *Provided*, that when a new issue of stock is determined on the stockholders in said company shall first be allowed twenty-one days to subscribe and pay for such new issue of stock, and if all such stock is not taken up thus by the old stockholders, then the company may sell what remains of the proposed issue to any one else applying and paying for the same.

Notice of.

SEC. 9. *Be it further enacted*, That the capital stock of said company may be increased to one hundred thousand dollars by two-thirds of the stockholders, in value, at a meeting called at the office of the company for such purpose, of which meeting the stockholders shall have notice by letter, transmitted by the secretary and treasurer of the company through the United States mails. The same to be deposited in the mail for not less than twenty entire days before the day of meeting; and the capital stock when so increased, shall be disposed of as provided for in the preceding section of this act.

SEC. 10. *Be it further enacted*, That no stockholder in this company shall be permitted to use or borrow the money of said company, nor shall any stockholder be personally or individually liable for any of the debts or obligations of said company, beyond the amount due by him to the company on stock subscribed for.

Approved February 17, 1885.

No. 377.]

AN ACT

[H. B. 737.]

To authorize Madison county to build macadamized roads, and to issue bonds of the county to aid in the construction thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Madison county, by and through its authorized board of superintendence of the public roads of said county, is hereby authorized to build and construct, within the limits of said county, the following system of macadamize roads, to be about one hundred and twenty-five miles in extent. The following of said system of roads to radiate from the city of Huntsville, in said county, as follows: One to run in a northerly direction to the Tennessee line, commencing at the northern terminus of what is known as the Meridianville Pike; another to run in a northeasterly direction through New Market, in said county, toward the Tennessee line; another to run in an easterly direction through Maysville, in said county, toward the Jackson county line; another to run in a southeasterly direction to New Hope, in said county of Madison; another to run in a southwesterly direction to Trianna, in said county of Madison; another to run in a westerly direction to the Limestone county line; and two others to run in a northwesterly direction, one leading to Chuttsville and the other to Madison X Roads, in said county of Madison; also another line to run in a northerly direction, from Trianna, through the town of Madison to the Brown's Ferry road, one mile north of said town of Madison—exact route, line and location of said roads to be fixed and determined by said board of superintendence. All of said roads are to be constructed, as far as practicable, at the same time, those radiating at Huntsville, not exceeding five miles of either, shall be constructed until the same number of miles in extent is completed on each of the others.

Madison county authoriz'd to build macadamized roads.

To run, where.

SEC. 2. *Be it further enacted,* That said macadamize roads shall be constructed upon the beds of the public roads of the county, the route and location of said public roads, in the establishment of the line of said macadamize roads, to be changed and altered so as to secure the most direct route of travel and suitable ground and bed upon which to build said macadamize roads.

To be built on body of public roads.

Right of way. Said board, in making such change or alteration, to make such reasonable compensation to the owner of the land, on which such new route is established, as may be just and proper, and when said board is unable to agree with the owner of the land as to what compensation shall be made, the same proceedings shall be had for the ascertainment of the compensation as is now provided by law when the line of a public road is altered or changed.

Width of road. SEC. 3. *Be it further enacted*, That the fixing of the width of said macadamize roads, and the depth and character of stone or other material used in their construction, shall vest in the discretion of said board; they, in its determination, having reference to the convenience and necessities of travel thereon; *Provided*, the said route shall be laid out at least thirty feet wide, twenty feet of which shall be bedded with stone or gravel, well compacted and of sufficient depth to secure a solid foundation. It shall be faced with gravel or broken stone of a depth not less than eight inches, in such a manner as to secure a firm and even surface, rising in the middle by a gradual arch, to be protected on the sides by ditches so constructed as to permit, when practicable, carriages to turn off said road.

Right to take stone, &c. SEC. 4. *Be it further enacted*, That said board shall have the right to take and use in the construction and building of said roads, such quantities of stone, gravel and other material, adjacent and contiguous thereto, as may be necessary therefor, paying such reasonable compensation for such material as may be right and proper, and when said board and the owner of such material are unable to agree upon the compensation, the same is to be fixed in the same manner as is now provided by law for the valuation of land condemned to public use in the opening of new and the changing or altering of old roads.

To let by contract. SEC. 5. *Be it further enacted*, That said board shall have the right to construct and build said macadamize roads by letting out the same by contract, or by a system of day labor, or partly by both, as may seem most to the interest of the county.

Toll gates. SEC. 6. *Be it further enacted*, That said board are hereby authorized to establish toll-gates on said macadamize roads, not less than three miles apart, and to fix such reasonable rates of toll to be collected thereat, of all persons traveling said roads, as may seem just and proper;

and said board, in its discretion, having the right to exempt from the payment of such toll all or any of the citizens of the county and their property.

SEC. 7. *Be it further enacted*, That the court of county commissioners of said county are hereby authorized and empowered to issue bonds of said county to the amount of two hundred thousand dollars, to provide for the payment of the construction and building of said macadamize roads. Said bonds to be four hundred in number and for five hundred dollars each, payable thirty years from the date of the issuance, the interest to be not more than seven per cent. per annum, to be paid semi-annually and evidenced by coupons attached to the bonds. Said bonds and coupons to be made negotiable and payable at some designated banking house in the city of Huntsville, Alabama, or in the city of New York in the State of New York. Said bonds shall be sold and negotiable to the highest bidder, the minimum price being their face value. To aid in securing the payment of the principal and interest of said bonds and thereby promoting their readiest and best sale, said court of county commissioners is hereby authorized to pledge for their payment the gold renewal bonds of the Memphis and Charleston railroad company, belonging to said county, by deposit with a good and reliable trust company in said city of New York established for such purpose, or with a good and reliable bank in the city of Huntsville, Alabama. Said railroad bonds, the proceeds of coupons thereon as they fall due and are collected, to be invested in other securities of like kind, or bonds of the State of Alabama to be designated by said court of county commissioners, and the proceeds of the coupons of said re-investment to be invested *totus quotus* in like manner, and to be deposited and held for like purpose, until the maturity of said bonded indebtedness hereby authorized to be created.

SEC. 8. *Be it further enacted*, That said bonds shall be numbered from one to four hundred consecutively; each to be signed and sealed by the judge of the probate court of said county of Madison, and countersigned by the treasurer of said county of Madison, the coupons attached to each to bear the number of the bond to which they are attached, and to be made payable at the place designated for the payment of said bonds in the body thereof.

**How issued.** SEC. 9. *Be it further enacted,* That said bonds shall only be issued and sold from time to time as the demands for the payment of the construction and building of said macadamize roads may require.

**To levy and collect taxes.** SEC. 10. *Be it further enacted,* That it is hereby made the duty of said court of county commissioners to levy and collect such tax annually as is now or may be hereafter authorized by the constitution of the State of Alabama, upon the property and citizens of said county as may be necessary to pay for the construction and building of said macadamize roads, and the payment of the principal and interest of such amount of said proposed bonded indebtedness as may be used for the construction of said roads as the same falls due and becomes payable.

**Election to be held** SEC. 11. *Be it further enacted,* That there shall be an election held in said county of Madison, on the first Tuesday of November, 1885, of the qualified voters of said county; said election shall be held at the voting places in the several precincts of the county, and all persons who are at the time qualified voters under the general election laws of this State, shall be entitled to vote at such election, and such election shall in all respects be governed by the general election laws of the State in force at the time of said election.

**Mode of voting for or against.** SEC. 12. *Be it further enacted,* That at such election those who desire to vote for the construction of said roads in pursuance of the provisions of this act, shall deposit their ballots with the words "for macadamize" printed or written thereon, and those who desire to vote against the construction of said roads, as herein provided, shall deposit their votes with the words, "against macadamize" printed or written thereon. When the votes so cast are returned and counted by the board of supervisors, as now required by law for general elections, the result of such election shall be, by the court of county commissioners spread upon the records of said court, and also upon the records of the court of probate of said county as part of the records thereof.

**Result.** SEC. 13. *Be it further enacted,* That if the result of said election shall be in favor of macadamise, such result to be determined by the majority of the votes cast at such election, then said board of superintendence and said court of county commissioners shall proceed at once

to carry out and execute the provisions of this act by the construction of said roads as herein contemplated.

Approved February 17, 1885.

No. 378.]

AN ACT

[H. B. 736.

To provide for the appointment of a solicitor for each of the counties of Madison, Jackson and DeKalb, and to prescribe his powers and duties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the governor shall appoint a solicitor for each of the counties of Madison, Jackson and DeKalb, who shall be a resident citizen of the county for which he is appointed, and shall hold office for the term of four years. Governor to appoint solicitors in certain counties.

SEC. 2. *Be it further enacted*, That it shall be the duty of such solicitor to attend each term of the Circuit and County Courts of the county for which he is appointed, and to prosecute all criminal accusations pending in said courts, whether such accusation is preferred by indictment or otherwise; and to attend, upon being notified, to all accusations of misdemeanor before the justices of the peace, or notaries public having the powers and jurisdiction of a justice in said county, of which the justice or notary may have jurisdiction to render judgment of conviction; to attend all preliminary examinations of persons charged with felony had in said county, upon being notified of the time and place of such examination; and for all convictions obtained by him in any of said courts, or before a justice of the peace, or notary public having the power and jurisdiction of a justice, if such conviction be not reversed, and the defendant finally discharged, he shall be entitled to the fee now allowed by law to circuit solicitors for like convictions, which shall be payable as the like fee of circuit solicitors is now paid. Duty of. Fees of.

SEC. 3. *Be it further enacted*, That before entering upon the duties of the office, such solicitor shall take and file in the office of the Judge of the Court of Probate, the oaths of office prescribed by the Constitution and laws of the State of Alabama for circuit solicitors. Oath of office.

**Vacancies.** SEC. 4. *Be it further enacted*, That all vacancies occurring in said office shall be filled by the appointment of the governor.

**Takes effect.** SEC. 5. *Be it further enacted*, That this act shall not take effect until from and after the expiration of the term of office of the present solicitor of the 8th Judicial Circuit of the State of Alabama.

Approved February 17, 1885.

No. 379.]

AN ACT

[H. B. 735.

To change the boundary line between the counties of Tallapoosa and Macon, so as to make section thirty-six (36), in township nineteen (19), range twenty-three (23), now lying in said county of Tallapoosa, a part of said county of Macon.

**Change boundary line between Macon and Tallapoosa counties.** SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the boundary line between the county of Tallapoosa and the county of Macon be, and the same is hereby changed so as to make section thirty-six (36), in township nineteen (19), of range twenty-three (23), now lying, being situate and forming a part of the county of Tallapoosa, a part of said county of Macon.

SEC. 2. *Be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby repealed.

Approved February 17, 1885.

No. 380.]

AN ACT

[H. B. 733.

To grant the right of way over the lands of the State of Alabama to the Sheffield and Birmingham Rail Road Company.

**Right of way.** SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the right of way for the track of the Sheffield and Birmingham Rail Road Company be, and is hereby given and granted to said rail road company

over and through any and all lands, through which it may pass, owned by the State of Alabama.

Approved February 17, 1885.

No. 381.]

AN ACT

[H. B. 732.

To change the name of the Birmingham and Tennessee River Rail Road Co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the name of the Birmingham and Tennessee River Rail Road Company, a corporation incorporated under the general incorporation laws of Alabama, be changed to the Sheffield and Birmingham Railroad Company. Change name of railroad.

SEC. 2. *Be it further enacted,* That said change of name shall be without prejudice to any rights acquired or liabilities incurred by said corporation under its original corporate name.

Approved February 17, 1885.

No. 382.]

AN ACT

[H. B. 727.

To incorporate the Alabama Canal Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That F. C. Randolph, H. C. Semple, H. C. Tompkins, V. M. Elmore, C. T. Pollard, Jr., Lafayette McLaws, Joseph Shepard, and Eliphalet A. McWhorter, together with such other persons as may become associated with them under this act, be and they are hereby created a body corporate and politic by the name of the Alabama Canal Company, and by that name they and their successors and assigns shall and may continue such body corporate and politic, and as such may sue and be sued, answer and be answered unto, defend and be defended in all the courts of Alabama, or in any place whatsoever, having competent jurisdiction over any matter, dispute or transaction, touching the business affairs of said company, may make by-laws, rules and regulations To incorporate the "Alabama Canal Co."

for its government, not inconsistent with the laws and constitution of the State or the United States, and do all acts incident to a corporation, and necessary and proper for the transaction of the business for which it is incorporated; may determine as to the number of directors, time, place, and mode of electing them, and to have a common seal, and to alter and destroy the same at pleasure.

Rights and  
powers of.

SEC. 2. *Be it further enacted*, That the said company shall have the right, power and authority to build, construct, own and maintain a canal of such dimensions as it shall deem suitable from the Perdido Bay in Baldwin county, by the most practicable route to Bon Secour Bay, and through Bon Secour Bay to Mobile Bay; the true intent and object of this act being to encourage and authorize the opening of an artificial line of water communication from the Mississippi river to the Atlantic seaboard, in connection with the Atlantic and Mexican Gulf Canal Company, chartered by the State of Georgia, February 23, 1876, and by the State of Florida, March 3, 1883, and to market the timbers, lumber and other products along the line of the route indicated, and for such other commercial purposes as the convenience of the route may determine or may attract to it; and for this purpose the said company shall also have full power and authority to improve by slack water, dams or otherwise, any and all rivers, creeks and streams which will flow into, or may be made to connect with said canal. The said company shall likewise have the right, power and authority to acquire by purchase, and to hold for their own use and purposes, all right of way or any other rights, property or franchises necessary to the carrying out of the purposes of this charter.

SEC. 3. *Be it further enacted*, That the right of way through all lands belonging to the State along the route of said canal is hereby granted to the said Alabama Canal Company.

SEC. 4. *Be it further enacted*, That the said company shall have the power to select and take, purchase or receive as donations or otherwise such strips or parcels of land, not exceeding one hundred yards in width on each side of the canal, along the route they may select for said canal, and along the streams they may choose to improve as feeders to it, and in all cases of disagreement as to the

Strips or parcels of land taken, not to exceed.

value of said strips or parcels of land between said company, and the owner or owners thereof, it shall be lawful for either party to apply to the sheriff of the county in which the land may be located to summon a jury of three disinterested freeholders who shall examine the land sought to be appropriated for the use of said company and award in writing the amount of damages, if any, to be paid by said company, either party having the right to appeal to the Circuit Court of the county under the rules and regulations which apply to appeals generally in said court. Damages; how assessed.

SEC. 5. *Be it further enacted*, That the said company shall have full power to receive and collect such reasonable rates of toll on all vessels, boats and rafts and on all and any water craft or thing which may pass through said canal or any part thereof or through the slack water improvements made by the company to connect with it or through any part thereof. Toll, &c.

SEC. 6. *Be it further enacted*, That whenever the said canal shall intersect a public road, the company shall be bound to build and keep the same in good repair and all and any public or private bridges may be at any time built across the said canal and free access be allowed by the company; *Provided*, such bridges shall not obstruct or incommode the navigation or use of said canal. Bridges.

SEC. 7. *Be it further enacted*, That it shall not be lawful for any person or persons whatever to throw earth, rubbish, trees, logs, stones or any other matter or thing whatsoever into said canal, or injure in any way whatever its locks, basins, banks, towpaths, feeders, docks, or anything appertaining to the same. Any person herein offending shall be liable to indictment as for a misdemeanor and on conviction thereof may be fined or imprisoned, as provided in section 4254 of the code, and shall also be liable for such damages as may be sustained thereby. Penalty.

SEC. 8. *Be it further enacted*, That the capital stock of said company shall be \$500,000, but may be increased to double that amount or more if the company shall deem such increase necessary to enable them to complete the said canal and slack water works, and the same may be divided into such number of shares as may be fixed by the company's by-laws, authorized in the first section of this act. Capital stock.

SEC. 9. *Be it further enacted*, That this act shall be

deemed and taken as a public act and shall be literally construed for carrying the purposes aforesaid into effect, and that said company shall have full power to unite with the Atlantic and Mexican Gulf Canal Company of Georgia and Florida.

Approved February 17, 1885.

No. 383.]

AN ACT

[H. B. 716.

To authorize Julia A. Barron, guardian of Julia P. and Olive Barron, to sell certain lands.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Julia A. Barron, the guardian of Julia P. Barron and Olive Barron, minors of Perry county, Alabama, be and she is hereby empowered as such guardian, at public or private sale, to sell and convey to the purchaser any land belonging to such minors.

To authorize J.  
A. Barron to  
sell lands.

SEC. 2. *Be it further enacted*, That such guardian be and she is hereby empowered to apply the proceeds of such sale or sales, as she may make under this act, to the maintenance and education of said minors.

Approved February 17, 1885.

No. 384.]

AN ACT

[H. B. 715.

To incorporate the Centreville College at Centreville, Bibb county, Alabama.

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That H. K. W. Smith, J. L. Davidson, J. N. Suttle, T. J. Smitherman, J. D. Cooper, and C. C. Collier, and their successors in office, shall be and are hereby declared and created a body corporate, under the constitution and laws of Alabama, by the name and style of the Trustees of the Centreville College, in the town of Centreville, in the county of Bibb and State of Alabama, and by the name of the Centreville College shall be able and capable in law and equity to sue and be sued, to plead and be impleaded, and shall have power to borrow money, re-

To incorporate  
Centreville col-  
lege.

ceive donations and bequests for the use of such college, to purchase and sell and have and hold real estate and other property in perpetuity.

SEC. 2. *Be it further enacted*, That said body corporate, or a majority of the members composing the same, shall have power to pass all such rules, regulations and by-laws, not inconsistent with the constitution and laws of the State of Alabama, as they shall see proper and deem advisable for the good government and proper regulation of said college; and shall have power to elect, annually, by a majority of its members, a president, secretary and treasurer, and other necessary officers, from the members of said body corporate, and to fill all vacancies in said offices; to fix the amount and approve the bond of the treasurer, and to change the number of such trustees at pleasure; *Provided*, such number shall not be reduced below five or raised above twelve; and to adopt a common seal, and to alter said seal at pleasure; and to act without such seal, if a majority deem best, as fully as if with seal, under the laws of this State.

Rules and regulations.  
Election of officers.

SEC. 3. *Be it further enacted*, That when any vacancy occurs in said board of trustees, by death or otherwise, the same may be filled by a majority of the remaining trustees.

Vacancy in board.

SEC. 4. *Be it further enacted*, That such body corporate may, by its trustees, adopt and regulate a course of studies, and the same is hereby authorized and empowered to grant to its pupils diplomas and certificates of proficiencies as rewards or evidences of merit and skill, having the same efficiency as those granted by colleges and other institutions of learning.

Course of studies.

SEC. 5. *Be it further enacted*, That it shall be unlawful for any person to sell, give away or otherwise dispose of malt, vinous or spirituous liquors, or intoxicating biters, or intoxicating drinks of any kind or description, within six miles of said Centreville College. And any person violating this section shall be guilty of a misdemeanor, and on conviction therefor must be fined in a sum not less than one hundred dollars, nor more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months.

Prohibition.

Approved February 17, 1885.

No. 385.]

AN ACT

[H. B. 711.]

To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or beverages, at or within certain localities hereinafter designated, to-wit: At or within a radius of three miles of Cowikee Baptist Church, and one and one-half miles of Providence Methodist Church in Barbour county, and other places, approved February 3d, 1883, so far as the same applies to the town of Batesville in Barbour county.

Repeal of prohibition law as to Batesville.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating bitters or beverages, at or within certain localities therein designated, to-wit: At or within a radius of three miles of Cowikee Baptist Church, and one and one-half miles of Providence Methodist Church in Barbour county, and other places, approved February 3d, 1883, be repealed, so far as the same applies to the town of Batesville in Barbour county.

Approved February 17, 1885.

No. 386.]

AN ACT

[H. B. 708.]

To change the time of holding the Chancery Court in Autauga county.

Change of time of the chancery court in Autauga county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, the Chancery Court of Autauga county shall be held on the first Monday in April and October of each year, and may continue two days.

SEC. 2. *Be it further enacted,* That all laws and parts of laws so far as the same are in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved February 17, 1885.

No. 387.]

AN ACT

[H. B. 637.]

To incorporate the Samaritan Association of the Methodist Protestant Church, Alabama District.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That A. H. Townsend, G. W. Noble, H. H. McNeil, S. O. Townsend and M. M. Sweatt, their associates and successors, are hereby created a body corporate under the name and style of The Samaritan Association of the Methodist Protestant Church, Alabama District, and by that name shall be, and hereby are made capable in law to have, purchase, receive, possess, enjoy and realize to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of whatsoever kind, nature, or quality, in any amount the said body corporate may deem necessary to all the objects of said corporation into full force and effect, not to exceed in value the sum of fifty thousand dollars; and the same to sell, grant, demise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended against in all courts having competent jurisdiction, and to make, use and have a common seal, and the same to break, alter or renew at pleasure.

To incorporate  
Samaritan As-  
soc ation of the  
M. P. Church.

Powers of.

SEC. 2. *Be it further enacted*, That the government of said corporation shall be vested in a board of trustees, consisting of five persons, who shall hold their office for one year and until their successors are elected and qualified; said board of trustees shall be elected annually by the conference of the Methodist Protestant Church, Alabama District, and until such election the above named corporators shall constitute the board of trustees.

Government  
vested in board  
of trustees.

SEC. 3. *Be it further enacted*, That the trustees so elected shall, within thirty days after the adjournment of the conference at which they were elected, select by ballot one of their number to be president of said association, also one to be secretary and one to be treasurer. The treasurer so elected to give bond in such sum, and with such conditions, as may be fixed by said conference; such officers to hold their said offices for one year and until their successors are elected and qualified.

Officers of.

SEC. 4. *Be it further enacted*, That said board of trustees shall invest such money as they may in any way acquire, in safe and remunerative real estate, bonds,

Fund for pay-  
ment of itiner-  
ant ministers.

securities or other property as, in their judgment, will be best to secure a good and permanent income from the same, and may, in their discretion, sell any property donated to them, for the purpose of making such investment, and shall re-invest such income from time to time until the capital in their hands shall amount to five thousand dollars, after which time they shall pay out, under the direction of the said conference of said Methodist Protestant Church, so much of the net annual income of such capital as said conference may direct to be paid towards aiding in the payment of salaries of itinerant ministers or preachers of said denomination, or in support of superannuated ministers or preachers and of widows and orphans of deceased ministers or preachers of said denomination.

SEC. 5. *Be it further enacted*, That the board of trustees of said association may, from time to time, enact such by-laws as may be proper or necessary for the regulation of the affairs of said association, which shall be binding until they are repealed by said board; and may fill vacancies in such board until the election of the board to succeed them.

Approved February 17, 1885.

No. 388.]

AN ACT

[H. B. 645.

To amend and extend the charter of the "Mobile Mutual Insurance Company," approved February 6th, 1866, and to change the name of said company; and to amend an act entitled an act to amend an act entitled "an act to incorporate the Mobile Mutual Insurance Company," approved February 4th, 1867; and to amend an act entitled an act to amend an act entitled "an act to incorporate the Mobile Mutual Insurance Company, approved February 6th, 1866;" approved August 11th, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled "an act to incorporate the Mobile Mutual Insurance Company," approved February 6th, 1866, be and is so amended as to extend the corporate existence of said company under the laws of the

To amend the charter of Mobile Mut'al Insurance Co.

State of Alabama, for the term of twenty years from and after the 6th day of February, 1886, this being the day of the expiration of the term provided by the seventeenth section of said act, approved February 6th, 1866.

SEC. 2. *Be it further enacted*, That the above named act, approved February 6th, 1866, and an amendment thereto entitled an act to amend an act entitled "an act to incorporate the Mobile Mutual Insurance Company," approved February 4th, 1867, and an amendment thereto entitled "an act to amend an act entitled an act to incorporate the Mobile Mutual Insurance Company, approved February 6th, 1866," approved August 11th, 1868, be and the same are hereby amended so as to read as follows, to-wit: That William H. Gardner, Thomas T. Tyree, Erastus S. Perryman, Rittenhouse Moore, Julian W. Whiting, Thomas S. Ingersoll, Bernard Kahn, John Wylie, Thadeus Harrison, William H. Leinkauf and William H. Seales, and their associates and successors, be and they are hereby made and constituted a body politic and corporate, by the name of the "Mobile Insurance Company," and by that name may have and use a common seal, sue and be sued, implead and be impleaded, acquire and hold, or dispose of such real estate or other property as may be necessary for the proper transaction of its business, and may make such by-laws, rules and regulations for the transaction of its business as are not inconsistent with the constitution and laws of the United States or of this State or the provisions of this act. Corporators.

SEC. 3. *Be it further enacted*, That the objects and purposes for which this corporation is created, are to make and effect insurance upon houses, ships, steamboats, goods, wares, merchandise and property of every description, against loss or injury by fire, water, tempest or other casualties; and the said company shall have full power to make such insurance upon such terms as they may think proper. Objects.

SEC. 4. *Be it further enacted*, That the capital stock of said company shall be at least one hundred and twenty-five thousand dollars, and may be increased from time to time as provided by the laws of the State of Alabama to any amount, not exceeding five hundred thousand dollars, to be divided into shares of fifty dollars each. Capital stock.

SEC. 5. *Be it further enacted*, That the business and affairs of the company shall be managed by seven direc-

Qualifications  
of directors.

tors, elected by the stockholders, and the directors so elected shall choose one of their number to be president of the company. No person shall be elected as a director unless he is at the time of his election a stockholder in said company. At every election of directors, such stockholders shall be entitled to one vote for each and every share of stock so held by him or them.

Secretary; sal-  
ary and duties.

SEC. 6. *Be it further enacted*, That the president and directors shall elect a secretary of the said company, and may elect or appoint such other officers and agents as they may think necessary for the proper management of its affairs, and may prescribe the duties and fix the salaries of the secretary and such other officers and agents, and may require such of them, as they think proper, to execute such bond with security for the faithful discharge of their official duty respectively, in such sum or sums and in such form as they may prescribe or approve.

Principal office

SEC. 7. *Be it further enacted*, That the said company shall be located and have its principal office or place of business in the city of Mobile, and may establish agencies or branches in such other places as they may think proper.

General meet-  
ing of stock-  
holders.

SEC. 8. *Be it further enacted*, That the annual meeting of the stockholders of said company shall be held at the office of said company, in the city of Mobile, on the second Monday in July, of each year, at which meeting a report shall be made to the meeting by the president and directors of the company of the transactions of the company for the preceding year, and of the condition of the company; and an election shall be held for directors of the company for the ensuing year, but any general meeting of the stockholders may, by resolution, appoint a different time for holding the next general meeting of the stockholders. The president and directors may, for special purposes, call a general meeting of the stockholders at such other times as they may think proper. At every general meeting of the stockholders, the president of the company, or in his absence one of the directors, shall act as temporary president of the meeting until the meeting has elected a permanent president; and the secretary of the company, or in his absence such person as the presiding officer shall appoint, shall act as temporary secretary of the meeting until the meeting shall elect a permanent secretary. Upon all questions raised or

voted on at a general meeting of the stockholders, any stockholder present may require a vote by stock, and thereupon each member shall be entitled to one vote for each share of stock owned or represented by him, otherwise each stockholder present shall be entitled to only one vote at such general meetings. Stockholders may vote by proxy or agent, but no person shall be admitted to vote as proxy or agent for another unless he is himself a stockholder in the company. The meeting shall judge of and determine the genuineness and sufficiency of any proxy presented or claimed.

SEC. 9. *Be it further enacted*, That the directors elected at any general meeting of the stockholders shall continue in office until their successors are elected, or they forfeit their office. A person elected as director shall forfeit his office and cease to be a director by his ceasing to be a stockholder of the company. The president and directors may fill vacancies occurring in their own body by death, resignation or forfeiture.

Continuance  
in office.

SEC. 10. *Be it further enacted*, That the president and directors of the company may prescribe the manner and form in which certificates of stock in the company shall be issued, and the manner and form in which such stock is transferred; and the company shall have a lien on the stock of each stockholder for any debt or liability of such stockholder to the company, and may refuse to allow the sale or transfer of such stock until such debt or liability is discharged.

Certificates of  
stock.

SEC. 11. *Be it further enacted*, That in the month of July of each year the president and directors of the company shall make, or cause to be made by the proper officers of the company, an estimate of the profits and losses of the company, and also a statement of all cash paid into the company for or on account of premiums for the preceding twelve months, and by whom paid, which statement shall be verified by affidavit and filed with the papers of the company for the examination and information of all parties interested; and if it shall appear from such statement that the profits of the company do not exceed its losses and expenses by more than ten thousand dollars, the president and directors shall make no dividend to the stockholders, but such excess of profits shall be kept by the company as a reserve fund to meet future losses or liabilities. But if it shall appear from

Annual state-  
ment.

Reserve fund. such statements that the profits of the company exceed its losses and expenses, then the president and directors may reserve and set apart a portion thereof, not more than one-half of such excess, as they may think proper, to be kept by the company as a reserve fund, and the residue of such excess shall be ratably apportioned and divided between the several stockholders according to the amount of stock held by each stockholder.

Dividends.

SEC. 12. *Be it further enacted*, That the said company may use its money, whether arising from capital or earnings, in lending out the same at lawful interest, on such security as it may think proper, or in discounting or purchasing promissory notes, bills of exchange, bonds or other good and solvent securities.

May lend its money.

SEC. 13. *Be it further enacted*, That the name of said corporation be, and is hereby, changed from the "Mobile Mutual Insurance Company" to the "Mobile Insurance Company," by which name it shall hereafter be known and called, and said company shall be subject to such general laws of the State of Alabama as are now in force, or may be hereafter enacted in regard to similar corporations.

Name changed

SEC. 14. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act be, and they are hereby repealed.

Approved February 17, 1885.

No. 389.]

AN ACT

[H. B. 678.

To allow the Treasurer of Franklin county commissioner on witness tickets, money and all other valid claims received by him in payment of dues to the fine and forfeiture fund of Franklin county.

Commissions allowed treasurer of Franklin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the approval of this act, the Treasurer of Franklin county shall be entitled to return five per cent. of all money, witness tickets and other valid claims received by him in payment of dues to the fine and forfeiture fund of said county of Franklin.

SEC. 2. *Be it further enacted*, That all other laws

allowing commissioners to treasurers on fine and forfeiture fund, so far as the same affects the county of Franklin, be, and the same is hereby repealed.

Approved February 17, 1885.

No. 390.]

AN ACT

[H. B. 686.

To incorporate the Mobile and West Alabama Rail Road Company and to further the construction of said railroad.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That D. P. Bestor, T. Henry, G. B. Clark, T. G. Bush, T. P. Miller, Joseph Gresham, David Carter, J. K. Taylor, C. E. Waller, Porter King, B. Friedman, James H. Fitts, John H. Bankhead, F. A. Gamble, J. A. Steele, Robert M. Patton, John T. Milner, D. T. Parker, T. N. Hays and George O. Baker, and their associates, be, and they are hereby constituted a body politic and corporate by the name of "The Mobile and West Alabama Railroad Company," and by that name, or by such other as the stockholders, after their organization, may adopt, are hereby authorized to sue and be sued; to make a common seal and the same to break, alter and renew at pleasure; to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire, by gift, devise, donation or purchase for investment or development, and to have and enjoy and secure their franchises within any other State that may grant, authorize or permit the same; to make rules, regulations and by-laws for the management and direction of such corporation not contrary to the laws of this State; and generally, to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the full carrying out of the objects and purposes of this act.

Incorporation  
of Mobile and  
West Alabama  
railroad.

By laws, rules  
& regulations.

SEC. 2. *Be it further enacted*, That said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad with one or more lines of tracks of rails from the city of Mobile

Empowered to  
locate and con-  
struct.

Main line.

northwardly through the State of Alabama to the Tennessee State line, with branches from the same on such route or routes as may be found best; but it shall be the duty of said company, where its main line may cross the Tennessee River, to locate its road as near the city of Florence as shall be practicable, considering the character of the country and the business interests of said company; and said railroad shall build its main line to Tuscaloosa, and on such railroad and branches said company is authorized to take and carry for hire, persons and property by the power and force of steam, animal or other mechanical power or any combination of them; *Provided*, that nothing in this act shall be taken or construed to exempt said corporation from regulation of rates and fares and control by the Legislature of this State or by any instrumentalities that the Legislature may deem best to effectually carry out such regulation and control.

Branch roads.

SEC. 3. *Be it further enacted*, That said company is authorized to build, in connection with its said railroad, branch railroads from the city of Mobile to any point on the Bay of Mobile or Gulf coast in Mobile county, and to build such railroads through the city of Mobile, with the right to connect by branches, switches or tracks with other railroads in or near the city of Mobile, by a belt line or otherwise; and said company may build bridges, trestles, wharves or piers, to reach deep water in said bay or in Mobile river, or in the Gulf of Mexico, and may also construct in such waters such fenders or breakwaters as may be necessary to provide a safe and comfortable birth or anchorage for vessels loading or unloading at such piers or wharves.

Build shops,  
warehouses,  
&c.

SEC. 4. *Be it further enacted*, That for the purpose of constructing said railroad and branches, the said company is hereby authorized to lay out the same, not exceeding one hundred and fifty feet (150) wide, and for the purpose of depots, machine shops, warehouses, engine houses, water stations, car sheds, or chutes, eating houses, car or depot yards, wharves, piers, docks, or other structures necessary or convenient for the business of the company, and for the purpose of cuttings, embankments, and for switches connecting tracks and turnouts, and for obtaining earth, stone, gravel, timber, or other materials, or for the purpose of protecting its structures, may take as much more land as the necessities of such company,

from time to time, require for the use and protection of said railroads and structures; *Provided*, no such property shall be taken or applied unless just compensation to the owner shall first be made as required by the constitution of the State, to be determined as hereinafter provided; but said company may previously enter upon any lands for the purpose of surveying, locating and laying out its said railroad and structures; *Provided*, that no right to condemn private property to the use of said company is conferred by this charter, except that conferred by the constitution of Alabama upon railroad companies incorporated thereunder.

SEC. 5. *Be it further enacted*, That said company may, in lieu of constructing any portion of its line or branches, purchase or acquire by lease, for a term of not exceeding one hundred years, the roadbed of any other railroad, or any portion of such other railroad, whose line may be located in whole or in part, along the line of its proposed railroad or branches; or said company may, for the purpose of making through lines, make common stock, or any other lawful contract, whereby it may sell, or lease, as aforesaid, to such other company any or all of its said railroad or branches, and the franchises thereof.

SEC. 6. *Be it further enacted*, That there is hereby granted to the said company a right of way over any of the lands of the State.

SEC. 7. *Be it further enacted*, That whenever necessary to secure a suitable and convenient location, or wherever the topography of the locality may require, the said railroad company may cross or build along the right of way of any other railroad for a consecutive distance, not exceeding in any case ten miles, and said railroad or branches may be built across or on and along any of the highways or public roads of the country, or across or along the streets of any incorporated town or city through which it may be necessary to pass, or across any of the navigable waters along the line of its route or routes; *Provided*, that the said highways, roads and streets shall, after construction of said railroad thereon or thereover, be restored to as good a condition as practicable; *and provided further*, that in crossing the Tombigbee, the Alabama, the Mobile or Tennessee rivers, and in each of them, said company shall place a drawbridge, giving a passage of not less than eighty feet. And in crossing the

Assess dam-  
ages.

Term of lease.

Right of way.

Cross streets,  
navigable wa-  
ters, &c.

**Drawbridges.** Warrior river at any navigable point, they shall place therein a drawbridge giving a clear passage of not less than fifty feet; *Provided*, that in such case the right of way shall be condemned under the forms of law as now provided, and the consent of incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right of way before the same shall be so used and occupied.

**Capital stock.** SEC. 8. *Be it further enacted*, That the capital stock of said company may be six millions of dollars, and twenty thousand dollars (\$20,000) per mile more for each mile of railroad and branches over three hundred miles constructed. But said company may commence operations whenever so much as one hundred thousand dollars (\$100,000) of said capital stock shall be subscribed, *bona fide*, in money, labor or property. The capital stock shall be divided into shares of one hundred dollars (\$100) each, which shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said company shall direct.

**May construct steamboats, &c.** SEC. 9. *Be it further enacted*, That said company may contract, purchase or lease, and own and operate lines of steamships, steamboats or other vessel or water crafts within or without this State or the United States in connection with their railroads, for the purpose of transporting coal, iron and other products to the markets of the world; or they may make joint stock, or otherwise consolidate or make any lawful working contract with any line of steamboats or vessels for the purpose aforesaid.

**Board of directors.** SEC. 10. *Be it further enacted*, That the corporate powers of said company shall be vested in a board of directors of not less than five nor more than eleven, and shall from time to time be fixed by the by-laws adopted by the stockholders of said company, and in such other officers and agents as said directors shall appoint or authorize. The board of directors shall consist of stockholders, annually chosen by the stockholders of said company. A majority of the directors shall be a quorum for the transaction of business. They shall elect annually one of their number to be president, who shall also be president and executive officer of the company, and a secretary and treasurer, who shall give bond, as may be required by said board. Said board of directors shall also have power to require to be paid the sums subscribed by

stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholder to pay such installments, the shares of such delinquent may, after thirty days notice, be sold at public auction under such rules as the directors may previously prescribe, the surplus, if any, from the proceeds of sale, after payment of the balance due, shall be paid to such stockholder; but nothing herein contained shall prevent said company from collecting by proper proceedings at law, the amount due on any subscription.

SEC. 11. *Be it further enacted*, That after thirty days notice given by publication in some newspaper published in the city of Mobile, by three of the corporators as named in the first section of this act, the said corporators or a majority of them shall assemble in the city of Mobile, either in person or by proxy, authorizing some one to act for them in the organization of the company, and shall arrange to open books of subscription to the capital stock of the company in such manner as they may see fit.

SEC. 12. *Be it further enacted*, That subscriptions to the capital stock of this company shall be taken payable in money, labor or property, at their money value, to be named in the lists of subscription, and in the event of a failure to perform the labor or other service and to deliver the property according to the terms of the subscription, the subscribers shall be bound to pay the amount named in the subscription list in money. Two (2) per cent. of all subscriptions, whether for money, labor or property, shall be paid to the corporators in money at the time the subscription is made.

SEC. 13. *Be it further enacted*, That when one hundred thousand dollars shall have been subscribed to the capital stock of said company by *bona fide* subscribers, the board of corporators shall call the subscribers together by notice given in such manner as they may direct, for the purpose of organization, and a majority of the stock so subscribed being present either in person or by proxy, they shall proceed to the organization of the company by electing from among the stockholders themselves, no less than seven nor more than eleven directors, to manage the affairs and business of the company for the ensuing twelve months, or until their successors are elected and duly qualified. The directors thus elected shall elect from their number a president or executive officer, and

such person as they may see fit for secretary, both to serve for such a period and under such conditions as the by-laws may direct.

Board of corporators turn over to board of directors.

SEC. 14. *Be it further enacted*, That upon the organization of the company, the board of corporators shall turn over to the board of directors all the money received by them on subscriptions, and all the bonds, lists, notes, obligations and other papers taken and made by them in the organization of the company, and henceforth all such books, papers, lists, notes, obligations and other papers shall be the property of the company and shall be as binding on the company as if taken and made by themselves.

SEC. 15. *Be it further enacted*, That paragraphs 1831, 1832, 1833, 1834, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1852, 1853, 1854, 1855, 1856, 1857, 1858, and 1859 of the code of Alabama for 1876, as approved February 2, 1877, be and the same are hereby made applicable to the Mobile and West Alabama railroad company, the same as if said company had been organized under the provisions of article 2, chapter 1, title 1 of part 2 of said code of Alabama, and said paragraphs are hereby made part of this charter, excepting where in conflict with the express provisions of this act; *Provided*, that said company shall not be required to condemn and appropriate in the first instance all property which is needful for it in the future development of its business, but may after the construction of its said railroad, and from time to time as its necessities and convenience shall require, may appropriate upon paying just compensation therefor as hereinbefore provided, and may acquire such additional property as may be necessary or convenient.

Company may borrow money.

SEC. 16. *Be it further enacted*, That this company may borrow money for the purpose of carrying out the objects of its charter, and may make notes, bonds or other evidences of debt, and by a vote of the majority of its stock had at a meeting called for the purpose, by advertising in some newspaper published in the city of Mobile for thirty (30) days, may secure the payment of notes, bonds or other evidences of debt by a mortgage or deed of trust on its franchises and any or all of its property, both real and personal.

SEC. 17. *Be it further enacted*, That the boards of revenue or Courts of County Commissioners of the

counties of Mobile, Washington, Clarke, Choctaw, Marengo, Perry, Sumter, Greene, Hale, Tuscaloosa, Fayette, Walker, Lawrence, Marion, Winston, Franklin, Colbert and Lauderdale may contract and hire to said company, for a period of not more than five years, all persons sentenced to hard labor for the county. These said convicts so hired shall be subject to the same inspection, rules and regulations as provided for the treatment and working of county convicts elsewhere in the State; *Provided*, that the State prison inspectors shall supervise their treatment and see that they are properly cared for, under a penalty of forfeiture of any or all of said contracts and such other penalties as are or may be provided by law.

County boards  
of revenue.

Convict labor.

SEC. 18. *Be it further enacted*, That the warden, inspectors or others controlling the hire of said convicts, may hire for a period of not more than five years under a proper contract to said company, all persons sentenced to the penitentiary from the counties mentioned in the 17th section of this act; *Provided*, this assignment of convict labor shall not interfere with contracts existing at the time of the approval of this act; and *Provided further*, that no assignment of labor shall be granted under the provisions of this act until five hundred thousand dollars of *bona fide* subscription shall be made to the capital stock of said company.

Inspectors of.

SEC. 19. *Be it further enacted*, That said railroad company may construct and operate a telegraph line or lines in and along and upon any and all portions of its right of way of its main line and branches, both for its own use or for doing a public telegraph business, but said company shall not be compelled to do a telegraph business on its said line or at any particular station thereon, unless it so desire; and *Provided*, that the right to construct such telegraph or telephone lines shall not exclude any other person or persons or a corporation to construct similar lines of telegraph or telephone lines along such right of way as now provided by law.

Operate tele-  
graph line.

SEC. 20. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 17, 1885.

No. 391.]

AN ACT

[H. B. 695.]

To incorporate the Gulf and Mineral Railway and Mining Company.

Incorporation  
of Gulf & Mineral  
Railway &  
Mining Co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That John Howze, J. B. Lovelace, J. N. Smith, W. B. Modawell, G. R. Johnson, W. W. Wilkerson, Jas. A. Moore, Porter King, C. C. Huckabee, Belton Mickle, A. M. Fowlkes, A. C. Davidson, J. W. Bush, M. L. Ernst, J. D. Alexander, C. B. Wooten, Jere Dumas, Frank L. Kimbrough, Isaac Grant, Jno. W. Portis, E. H. Moren, J. N. Suttle, Samuel Davidson, C. Cadle, Jr., J. H. Aldrich, Thos. P. Miller and T. G. Bush, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate by the name of "Gulf and Mineral Railway and Mining Company," and by that name to sue and be sued, plead and be impleaded, and to make and have a common seal, and the same break, alter and renew at pleasure, and this company is hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and effects of this act.

Powers of.

Empowered to  
survey and locate.

SEC. 2. *Be it further enacted,* That said company is hereby authorized and empowered to survey, locate, construct, complete, alter, buy and own, maintain and operate a railroad with one or more lines or tracks of rails, from deep water on the Gulf of Mexico, in the State of Alabama, by Marion to the Tennessee river in said State, through the coal and iron region in said State, with branches to the same with one or more lines or tracks of rails, connecting with any other railroads which are now or may hereafter be constructed in the State of Alabama, on such routes as may be found best, and to transport, take, carry persons and property upon said railroads or ways by the power or force of steam, of animals or any other mechanical power, or any combination of them which said company may choose to apply, and for the purpose of constructing said railroad and branches, the said company is hereby authorized to lay out its road and branches throughout their length, not exceeding one hundred feet wide, and for the purpose of depots, machine shops, warehouses, engine houses, water stations, wood sheds and other buildings necessary for the business of the road

Construct road  
and branches.

and branches, cuttings, embankments, and for the purpose of turn-outs and for obtaining earth, stone and gravel, may take as much more land as may be required for the construction and security of said road and branches, with permission to make any lawful contract with any other railroad or other corporation in relation to the business of said company, and also to make joint stock with any other railroad corporation and form continuous through lines; *Provided*, that all damages that may be occasioned to any person or corporation by the taking of any such land or materials aforesaid, shall be paid by said company in the manner hereinafter provided.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be two millions of dollars, which may be increased from time to time to any sum not exceeding the entire amount expended on account of said road and branches, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and may be transferred in such manner and at such places as the by-laws of said company may direct; *Provided*, that said company may commence the construction of said road with all the powers and privileges contained in this act whenever the sum subscribed to the capital stock shall exceed fifty thousand dollars.

Capital stock.

When to begin construction.

SEC. 4. *Be it further enacted*, That the board of directors of said company shall have power to require the payment of sums subscribed by stockholders in such manner and in such times as they may deem proper; and on refusal or neglect on the part of stockholders, or any of them, to make payment on the requisition of the board of directors, the shares of such delinquent may, after thirty days notice, be sold at public auction under such rules as said board of directors may adopt. The surplus money, if any remains after deducting the payments due, with the interest and necessary costs of sale to be paid to such delinquent stockholder.

Board to enforce payment of stock.

SEC. 5. *Be it further enacted*, That the persons named in the first section of this act shall, at the time deemed by them most suitable, cause books to be opened for subscribers to said stock in such manner and places as they shall direct; and nine of them shall constitute a quorum to carry out the purposes of this act.

Books of subscription opened.

SEC. 6. *Be it further enacted*, That all the corporate powers of said company shall be vested in and exercised

Directors to be  
stockholders.

by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of stockholders, who shall be chosen each year by the stockholders of said company. A majority of the directors shall be a quorum for the transaction of business. They shall elect annually one of their number to be president of the board, who shall be president of said company; they shall also choose a secretary, and such other officers as they may deem necessary; and a treasurer who shall give bond, with security, to said company, in such sums as the said directors may require for the faithful discharge of his trust.

First meeting  
of stockholders

SEC. 7. *Be it further enacted*, That the persons named in the first section of this act, or a majority of them, are hereby authorized, after the books of subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed fifty thousand dollars, to call the first meeting of the stockholders of said company in such way and at such time and place as they may appoint, for the choice of directors of said company; and in all meetings of the stockholders of said company, a majority of the stock subscribed must be represented; each share entitles the holder to one vote, which vote may be given by said stockholder in person, or by lawful proxy, and the annual meeting of said company, for the choice of directors, shall be holden at such time and place, and upon such notice as said company may in their by-laws provide.

Election of  
officers.

SEC. 8. *Be it further enacted*, That in case it shall so happen that election of directors shall not be made on the day appointed by the by-laws of said corporation, said company, for that cause, shall not be deemed to be dissolved, but such election may be holden on any subsequent day which the then existing directory may appoint. The directors elected are to continue in office until their successors are elected and qualified. Vacancies in the board shall be filled by a vote of two-thirds the directors remaining; such appointees to continue in office until the next regular annual election of directors.

Directors to  
make by-laws.

SEC. 9. *Be it further enacted*, That the directors shall have full power to make and prescribe such by-laws, rules and regulations as they shall deem proper and needful, touching the disposition and management of the stock, property and effects of said company, not contrary

to this charter, or the laws of this State, or of the United States, the transfer of shares, the duties of their officers and servants, touching the meeting of directors, and all matters whatsoever which may appertain to the concern of said company. Said company is also hereby authorized to purchase, receive and hold such real estate as may be necessary and convenient in accomplishing the objects for which this incorporation is granted, and may, by their agents, surveyors and servants, enter upon all lands and tenements, through which they may think fit to make said road and branches, or upon which they may deem it necessary to erect depots, warehouses, machine <sup>Branch road depots, shops, &c.</sup> shops, wharves, engine houses, water stations, wood sheds, platforms, and other requisite buildings and structures for the business of the road and branches, and upon lands that may be required for cuttings and embankments, for turn-outs and stations, and for stones, gravel, earth and timber, and to survey, lay out, and construct the same, and to agree and contract for said lands to be used as aforesaid, with the owners thereof. In case the said lands belong to the estate of any deceased person, then with the executor or administrator of such; in case of the same belonging to a minor or a person *non compos mentis*, according to law in such cases provided, then with his or her guardian or guardians; or in case the said lands be held by trustees of school sections, or other trustees of estates, then with such trustees; and the said administrators, guardians or trustees are hereby declared competent for such estate or minor to contract with the said company for the right to use, occupy and possess the <sup>Right of way.</sup> lands of such estates, minors or trustees, to be used as aforesaid; and the act and deed of such executors, administrators, guardians or trustees, in relation thereto, shall pass the title in said land in the same manner as if said deed or act was made or done by a legal owner of full age; and such executor, administrator, guardian or trustee shall account to those interested upon their respective bonds for the amount paid him in pursuance of said agreement and composition, and if the said company and parties representing lands prefer, they may refer the question of arbitration to arbitrators mutually chosen, whose award, or that of their umpire, in case of disagreement, shall vest title according to its terms.

SEC. 10. *Be it further enacted*, That if the said com-

Circuit court  
to issue writ of  
ad quod dam-  
num.

Sheriff to give  
notice.

Damages.

pany cannot agree with the owner of the land, which they desire to use as aforesaid, or with the executor, administrator, guardian or trustee, it shall and may be lawful for the clerk of the Circuit Court of the county in which said land lies, on application of said company or its agents, and he is required to issue a writ of *ad quod damnum* commanding the sheriff that without delay he cause a jury of six good and lawful men to be upon said land on a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian or trustee, at least five days before such day, if they be within his county, or if not, or if the owner or owners be unknown, the notice shall be given by advertisement, to be by said sheriff posted, and fixed on the dwelling house, if such there be, or in a public and conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest to the land, at least three weeks by weekly insertions prior to said day, and then cause said jury, after having been duly sworn by said sheriff or justice of the peace, to make true inquest of the damages that will be sustained by such owner or estate by reason of making such road or branches through such land. If any juror shall fail to appear, or by reason of challenge for cause, or otherwise, fail to sit on such inquest, the said sheriff shall fill such jury from the bystanders; and if they fail to render a verdict the said sheriff shall on the same day or a subsequent day empanel a jury or jurors until a verdict be had. Such verdict and inquest, regularly certified by said sheriff, shall be returned to the office of the clerk of the Circuit Court of the county in which said land may be, and there remain among the records; and such verdict shall vest in said company the right to occupy and use said land for the purpose of said railroad and branches on the payment or tender of payment of the damage there assessed against said company; and in case of persons absent and unknown as aforesaid, the placing of the amount of damages to the credit of the owner in the hands of the judge of probate of the county in which such lands lie, shall be deemed and taken as payment, and such judges shall be liable on their bonds to make due payment of said money on demand.

SEC. 11. *Be it further enacted,* That it shall be the

duty of the sheriff to appoint and hold said inquest within ten days after the receipt of said writ *ad quad damnum*, except in cases of absence as aforesaid, in which cases thirty days shall be allowed him, and five additional days are allowed him for every additional jury which he may have under said writ; and for every default therein the said sheriff shall be fined by the Circuit Court at the instance of either party, not less than twenty or more than one hundred dollars; and every juror and witness so summoned, unless excused by the Circuit Court, shall be fined not more than ten dollars for non-attendance; of all such fines, as well as costs, the Circuit Court of the county shall have jurisdiction. There shall be allowed the following fees: To the clerk of the Circuit Court, for every writ of *ad quad damnum*, seventy-five cents; for receiving and filing inquest, seventy-five cents; to the sheriff for giving notice, seventy-five cents, besides printer's fees, not exceeding two dollars; in each case for holding inquest, five dollars; summoning witnesses, twenty-five cents each; to jurors, seventy-five cents each per diem; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs, and paid by the company; *Provided, however*, that before the application for said writ the said company may make a tender to the owner or owners of any such lands, a sum of money by them deemed equivalent to the damage to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount, or a less sum, the costs shall be taxed to and be paid by the owners of the land on which the inquest is held.

Circuit court  
to have juris-  
diction

SEC. 12. *Be it further enacted*, That either party may appeal to the next Circuit Court within thirty days after the assessment, by application to the clerk of the said court, after giving security for the prosecution of such appeal, and in case the same is taken by the corporation, for the judgment which may be rendered against it on appeal.

Appeal.

Sec. 13. *Be it further enacted*, That the trial of such appeal shall be *de novo*, and if the corporation be the appellant and the damages assessed are equal to or greater than found on the previous inquest, the appellant must pay the costs, and the court may award damages not exceeding ten per cent. if of opinion that the appeal was merely for delay.

Trial of appeal.

Judgment. SEC. 14. *Be it further enacted*, That in case the appeal is not taken by the corporation and the appellant does not recover more damages than were assessed to him in the previous inquest, judgment for costs must be given against him. In such appeal, when the judgment is against the appellant, execution may issue against his security.

No delay. SEC. 15. *Be it further enacted*, That the operations of said railroad company in surveying, locating and constructing its road and other works, shall in no wise be delayed on account of the proceedings aforesaid.

Road crossings SEC. 16. *Be it further enacted*, That whenever in the construction of said railroad and branches it may be necessary to cross or intersect any established road or way, it shall be the duty of said company so to construct their railroad and branches as not to impede the passage of such established road or way, and in all cases where any road or public highway is so located, that said railroad and branches cannot be judiciously laid out and constructed across or upon the same without injury thereto in such case or cases, said corporation may, by their engineer, cause such road or roads changed or altered in such manner that said railroad and branches may be made on the best site of ground for that purpose; *Provided*, said corporation shall put such road or roads in as good repair as at the time of altering or changing the same.

Drawbridges. SEC. 17. *Be it further enacted*, That the said Gulf and Mineral Railroad and Mining Company may cross with its railroad and branches the navigable waters of the bay of Mobile at one or more points by bridges with draw or revolving sections for the passage of water craft.

Levy and collect tolls. SEC. 18. *Be it further enacted*, That the directory of said company shall have power to establish such rates of tolls for the conveyance of persons and property upon the railroad and branches as they shall from time to time deem proper, and to levy and collect the same for the use of said company. All matters and things respecting the use of said railroad and branches and the conveyance of passengers and property, shall be in conformity to such rules and regulations as said board of directors shall from time to time determine.

SEC. 19. *Be it further enacted*, That whenever the routes of said railroad and branches shall intersect, cross

or connect with any other railroad, such intersections, crossings or connections shall be made upon fair and equitable terms. No discriminating charges shall be enacted, and facilities for the trans-shipment of freight and passengers and the interchange of rolling stock shall be afforded by each. Intersect with other roads.

SEC. 20. *Be it further enacted*, That in case said railroad and branches should cross any of the lands belonging to the State of Alabama, the right of way through said lands, one hundred feet wide, is hereby granted for said railroad and branches to said company, free of charge, and in case of cuttings and embankments, gravel, earth, stone, warehouses, engine houses and other necessary buildings, and of turn-outs and other appliances of the road and branches, as much more land as is necessary is hereby granted free of charge. Right of way through State lands.

SEC. 21. *Be it further enacted*, That for the purpose of raising funds from time to time for the construction of said railroad and branches, and the purchase of iron and other materials to be used thereon, said company is hereby authorized to issue, negotiate, pledge, hypothecate and sell their bonds in sums, and at rates of interest which may be deemed most expedient by the board of directors. The payment of the principal and interest of the bonds to be secured as the board of directors may think best. Issue and negotiate bonds.

SEC. 22. *Be it further enacted*, That when any portion of the stock subscribed to said railroad company shall be called for by the directions of the board of directors, and notice of said call shall have been given for more than thirty days, that such call has been made, and specifying the per centum of stock so called for, and the time when payment is required, either by personal notice to the stockholders, or by publication in some newspaper published in the town or city where the general offices may be located, if any stockholder shall fail to pay the call so made, at the time required, such stockholder may be proceeded against by motion made in the Circuit Court of the county of the residence of such stockholder for the amount of stock so remaining unpaid, which motion shall be made in writing, signed by an attorney-at-law, and shall set forth the call so made, the notice given, the amount of stock subscribed for by said stockholder, and the amount remaining unpaid on such stock so called for, Stock call.  
Failure to pay.

Sheriff to act;  
his fees.

Certificate of  
secretary as  
evidence.

Security for  
costs.

and the term of the court at which the motion will be made. The sheriff of the county shall serve the notice and make his return thereon, and for his services shall be entitled to the same fees that are allowed sheriffs for like services in the execution of summons and complaints under the general law. The clerk shall docket the case in its proper order, and for his services in this case shall be allowed the same fees to which he is entitled for like services in other cases under the general law. If the motion so made is executed more than twenty days before the term of the Circuit Court to which it is returnable, the case shall stand for trial at the first term of its issuance; if executed within twenty days before such term, it shall not stand for trial until the next ensuing term of said court. All the rules of pleading and evidence applicable to actions of *assumpsit* under the Code of Alabama, are applicable to proceedings under this section of this act, except that certificates of the secretary of said company, accompanied with the seal of the company, shall be evidence of the organization of the company, of the by-laws, rules and regulations, and of the proceedings of the company, of the calls made from time to time by the action of the directors of the company, and of the amount subscribed to the stock thereof by any stockholder, and the amount due and unpaid on such subscription at the time when such call was made and or became due, and upon the production of such certificate, if no plea is entered by way of defence, or if the plea is withdrawn, the court hearing such motion shall enter judgment final by default, or *nil dicit*, as the case may be, for the amount so certified to be due, with interest thereon. Such certificates shall be evidence on the trial of any issue joined upon such motion, unless the defendant makes oath at the time of filing his plea, that he believes the plea to be true, and gives notice that other evidence will be required. But in all cases the defendant may adduce lawful proof to contradict such certificate; all issues of fact joined upon such motion are to be tried as other civil actions, by jury.

SEC. 23. *Be it further enacted*, That in all proceedings commenced under the provisions of this act, security for costs must be lodged with the clerk of the Circuit Court of the county in which the suit is instituted before such proceedings are commenced.

SEC. 24. *Be it further enacted*, That in all cases commenced under the provisions of section 22 of this act, <sup>Change of venue.</sup> either party may have a change of venue to the nearest county, free from exception, upon application made and sufficient cause shown by affidavit, as in ordinary civil cases.

SEC. 25. *Be it further enacted*, That said company <sup>To commence</sup> hereby incorporated, shall commence the building of said work. road within five years from the passage of this act.

SEC. 26. *Be it further enacted*, That all laws contravening the provisions of this act are hereby repealed.

SEC. 27. *Be it further enacted*, That the said company shall have power, and is hereby authorized, to purchase, hold and work and mine iron and coal lands in this State. <sup>Mining powers</sup>

Approved February 17, 1885.

No. 392.]

AN ACT

[H. B. 697.]

To increase the jurisdiction of justices of the peace and notaries public and *ex officio* justices of peace in Pike and Lee counties.

*Be it enacted by the General Assembly of Alabama.*  
SECTION 1. That justices of the peace and notaries public and *ex officio* justices of the peace in and for Pike and Lee counties shall have, concurrently with the Circuit and City Court, jurisdiction of the following offenses, in addition to those enumerated in section 4628 of the Code of Alabama, all offenses under sections 4200, 4201, 4203, 4218, 4229, 4318, 4324, 4325, 4330, 4331, 4363, 4391, 4393, 4395, 4400, 4405, 4408, 4412, 4413, 4417, 4419, 4422, 4423, 4107, 4199, 4356, 4406, 4407, 4409, 4425, and when the value of the commodity, which is the subject of the crime, does not exceed ten dollars, of offenses under sections 4353, 4365, 4369, 4370, 4373, 4379 of the Code of Alabama; *Provided*, that justices of the peace and notaries public who are *ex officio* justices of the peace shall not have jurisdiction to try assaults, assaults and batteries and affrays in which any deadly weapon is used. <sup>Jurisdiction of justices in Pike and Lee counties.</sup>

SEC. 2. *Be it further enacted*, That in all cases tried

under this act, the defendant shall have the right of appeal to the Circuit Court, or may demand a jury as provided in section 4695 of the Code.

Approved February 17, 1885.

No. 393.]

AN ACT

[H. B. 707.

To make township 17, range 16, in Autauga county, a separate school district.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That township 17, range 16, in Autauga county, be, and the same is hereby made a separate school district, independent of the public school system of this State; that said district shall receive its *pro rata* share of the educational funds of this State, and that its chief executive officer shall make the same regular reports to the state superintendent of education as are required of county superintendents of education under the school laws of Alabama.

SEC. 2. *Be it further enacted,* That the trustees of the Prattville Male and Female Academy be, and they are hereby constituted *ex officio* commissioners of education for said district, who shall have charge of the public school property therein, shall elect all teachers, supervise, regulate and carry on the schools in said district, and make the same efficient by whatever rules they may adopt, not in conflict with the laws of this State and of the United States.

SEC. 3. *Be it further enacted,* That said commissioners shall receive from the state superintendent of education and from the tax collector of Autauga county the *pro rata* share of the educational funds of said school district; and that said commissioners shall have power to levy and collect an annual tax of not more than *one-half* of one per centum on all the taxable property in said district; and the tax assessor of the county of Autauga shall, by the direction of said commissioners, assess said tax, which said assessment shall be collected by the tax collector of Autauga county at the same time and in the same manner as the annual State and county taxes are collected, and said tax when collected shall be paid over

Sep'rate sch. ol  
district in Au-  
tauga county.

Commis'ioners  
of education.

Pro rata share  
of school fund.

Taxes.

to the commissioners of said school district, who shall receipt for the same, less two per cent. for assessing and two per cent for collecting, hereby allowed said assessor and collector, and the general laws of this State governing the assessment and collection of State and county taxes shall apply to the same in said school district; that they shall regulate and receive all entrance and incidental fees.

SEC. 4. *Be it further enacted*, That the public school funds shall be applied as provided by law, and that the moneys arising from taxations and fees shall be appropriated for the benefit exclusively of the race paying the same. Public school fund.

SEC. 5. *Be it further enacted*, That all laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 17, 1885.

No. 394.]

AN ACT

[H. B. 807.

To authorize the Commissioners Court of Jefferson county to issue bonds of said county to an amount not exceeding twenty-five thousand dollars for the purpose of repairing and enlarging the county jail or to build a new jail for said county, as the said court may deem best; and also for the purpose of preparing the grounds and enclosing and erecting suitable poor-house buildings for said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in order to procure the means to repair and enlarge the jail of Jefferson county or to build a new jail for said county as the Commissioners Court may deem best, and also for the purpose of preparing the grounds and enclosing and erecting suitable poor-house buildings for said county, the Commissioners Court of said county are hereby authorized and empowered to issue bonds of Jefferson county to an amount not exceeding twenty-five thousand dollars or as much thereof as they may deem necessary for the purposes aforesaid, payable at such time or times as said court may agree upon, not exceeding thirty years from the date of issuance, with Jefferson co. empowered to issue bonds.

coupons attached bearing interest at the rate of not exceeding eight per cent. per annum, and receivable in payment of all county taxes.

Bonds payable

SEC. 2. *Be it further enacted*, That the bonds issued under the provisions of this act may be made payable at such place as the Court of County Commissioners may direct, and shall be negotiable, and may be issued in the sum or sums of one hundred dollars.

Not valid unless signed by treasurer and probate judge.

SEC. 3. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall not be valid until the same have been signed by the county treasurer and countersigned by the judge of probate and the seal of the county affixed thereto, and the county treasurer is required to keep a correct account of all bonds issued and disposed of under the provisions of this act.

SEC. 4. *Be it further enacted*, That the bonds issued in accordance with this act shall be exempt from county and city taxes.

Authority of comm'r's court.

SEC. 5. *Be it further enacted*, That the Commissioners Court of said county are hereby authorized to do any and all things authorized under the provisions of this act which may be necessary to carry out the powers granted by this act, either through themselves or any agent or agents duly appointed by them for that purpose at any term of said court, whether regular or special, and if done at a special term of said court, its proceedings shall be as valid to all intents and purposes as if done at a regular term, and no technical informality, irregularity, neglect or omission in the proceedings or records of said court shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Tax levied to meet interest.

SEC. 6. *Be it further enacted*, That in order to meet the interest upon said bonds as it falls due and the principal at maturity, the said Court of County Commissioners are hereby authorized and required to levy a special tax from time to time upon all property, licenses and business subject to a State tax under the revenue laws of this State, situated or located within the limits of said county.

Guardians and trustees.

SEC. 7. *Be it further enacted*, That all guardians and trustees are hereby authorized to invest the money of

their wards and *cestui que trusts* in the bonds to be issued under and in accordance with this act.

Approved February 17, 1885.

No. 395.]

AN ACT

[H. B. 806.]

To provide for the working of the public roads in Jefferson county by contract, and to further regulate the working of the roads in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Court of County Commissioners of Jefferson county shall levy a special tax of one-tenth of one per cent. on the value of all taxable property in said county as assessed for revenue for the State, to be applied to the working of public roads in said county, as hereinafter provided; *Provided,* that no levy shall be made by said court, in any one year, exceeding one-half of one per cent. for the ordinary county purposes, not including necessary public buildings or bridges. Working public roads in Jefferson county.

SEC. 2. *Be it further enacted,* That the said court shall, from time to time, let out to contract the making and working of such portions of the public roads in said county as they may select; *Provided,* that in letting said roads to contract they shall begin at the corporate limits of the city of Birmingham, in said county, and go outwardly therefrom, and make successive lettings continually outward from said city. Contracts let.

SEC. 3. *Be it further enacted,* That the said court may, in their discretion, hire the convicts sentenced to hard labor for said county to the contractors on said roads. Convicts.

SEC. 4. *Be it further enacted,* That said court shall require said contractors to give bond, with good and sufficient sureties, payable to said county, and conditioned for the faithful performance of their contracts. Contractors to give bond.

SEC. 5. *Be it further enacted,* That the work under said contracts shall be done under the supervision and direction of a civil engineer, or engineers, to be employed by said court. Direction of a civil engineer.

SEC. 6. *Be it further enacted,* That all expenses and liabilities required by or incurred under this act, shall be Expenses and liabilities.

paid out of the moneys collected, as provided for in section one of said act.

Persons liable  
to road duty.

SEC. 7. *Be it further enacted*, That all persons liable to road duty in said county, shall be required to work six days, annually, or to pay three dollars, annually, for exemptions from road duty; *Provided*, that such work or payment shall not exempt such persons from work in opening new roads.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, but this act shall not be so construed as to repeal all general laws, or special laws, relating to the working of public roads in said county, not in conflict with the provisions of this act.

Approved February 17, 1885.

No. 396.]

AN ACT

[H. B. 803.

To authorize the payment of just compensation to Amanda J. Boyd, widow of the late Rufus K. Boyd, for legal services, if any, rendered by the said Rufus K. Boyd, in the case therein mentioned.

Payment to  
Amanda J.  
Boyd.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the secretary of State, the attorney general, and the State treasurer, shall ascertain, by the hearing of legal testimony, the just value of the legal services, if any, rendered for the State of Alabama by the late Rufus K. Boyd, as associate counsel or otherwise, in the case of the State of Alabama against Swann and Billups, trustees, in the Chancery Court of Jefferson county, and report the amount so ascertained by them to the governor, who shall thereupon notify the auditor to draw his warrant in favor of said Amanda J. Boyd, widow of said Rufus K. Boyd for said amount so ascertained, upon the treasurer, and the treasurer shall pay such warrant out of any money in the treasury not otherwise appropriated; *Provided, however*, said amount shall not exceed the sum of five hundred dollars.

Approved February 17, 1885.

No. 397.]

AN ACT

[H. B. 793.]

To enable the Alabama San Juan Mining Company of Mobile, through its board of directors, to dispose of its property and wind up its business.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Alabama San Juan Mining Company of Mobile be and is hereby authorized to sell or otherwise dispose of its mining property and machinery, and all other assets and to wind up its business, and the board of directors of said company shall have full power and authority to accept any desirable offer for the purchase or sale of any part of or all of said property as a whole, and its president and secretary shall make bills of sale or conveyances under the corporate seal of the company, disposing of said property as said board of directors may determine and direct.

Authority of  
San Juan Min-  
ing Co. to sell  
property.

SEC. 2. *Be it further enacted,* That the board of directors shall first pay the debts of the company, and all expenses of sale out of the proceeds of the property when sold, and shall then divide the net proceeds of the property *pro rata* among the stockholders of the company as a final settlement of the business of the company, and shall have the power to determine all questions that may arise as to the rights of any of the stockholders to share therein, and to what extent; *Provided*, that said board of directors or stockholders holding as much as ten per cent. of the stock, may by bill in the Chancery Court at Mobile, obtain the direction of that court in making a division and settlement with the stockholders. The directors and officers of the company shall have personal notice of the said bill in chancery, but all other stockholders may be brought in by publication once a week for four weeks in a newspaper published in the city of Mobile, stating the object of the bill, which shall be deemed equivalent to personal notice on all the stockholders, and said court shall have full power to make decrees upon all questions, and direct final distribution among stockholders, with the right of appeal as in other cases.

Directors to  
first pay debts.

Bill in chanc'ry

Publication of  
notice.

Approved, February 17, 1885.

To constitute the town of Auburn, Lee county, a separate school district.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That the corporate limits of the town of Auburn, county of Lee, shall constitute a school district separate and apart from the remaining districts or townships in Lee county.

Auburn a separate school district.

**SEC. 2.** *Be it further enacted,* That the mayor and council of the town of Auburn shall, at a regular meeting of the council, on or before the 15th day of June, of each year, elect seven resident freeholders or householders of the town of Auburn, and the persons so elected shall constitute a board of education for such school district, and shall hold office for one year or until their successors are elected and qualified. The said board shall elect one of their number to be president and one to be secretary and treasurer of said board.

Board of education.

**SEC. 3.** *Be it further enacted,* That said board shall have power to levy and have collected a tax on all real and personal property within the bounds of such school district, not to exceed one-half of one per cent. for school purposes; and shall have the right to purchase and hold property for the purpose of building school houses thereon, taking deeds to themselves and their successors in office.

Power of.

**SEC. 4.** *Be it further enacted,* That the board of education shall cause all property, both personal and real, belonging to the white and colored persons in said school district, to be assessed by the marshal of the town of Auburn in the same manner as State and county taxes are now assessed by the tax assessors in this State; and the said marshal shall keep separate lists of the assessments made against the property of each race, and shall furnish to the secretary and treasurer of the board of education by the first Monday in July, of each year, an assessment list which shall show the race to which the property so assessed belongs, also each item of taxation assessed, amount and value of each item as valued by the tax payer or ascertained by the marshal; and the marshal before commencing to list the property of any tax payer, shall administer to such tax payer the oath now required to be

Property assessed.

administered to tax payers by the tax assessors in this State. The board of education shall have power to correct any errors and to increase or reduce any assessment when it is made to appear that the same has been assessed at less than its value, or that such assessment is excessive; and the board shall have a meeting on the first Wednesday in August, of each year, to hear and determine all such matters.

SEC. 5. *Be it further enacted*, That the secretary and treasurer of the board of education shall, before the 30th day of September of each year, make out from the assessments furnished him by the marshal of the town of Auburn, a full and complete list of all the taxes due from the tax payers in said school district, said list to show the amount due from the white tax payers and the amount due from the colored tax payers within said district; and the said marshal shall, on the first day of October, of each year, begin the collection of such tax, keeping separate the amount collected from each race; and the amount collected from the white race shall go to the support of the white schools and the amount collected from the colored race shall go to the support of the colored schools established in said school district. List of taxes.

SEC. 6. *Be it further enacted*, That the marshal of the town of Auburn in the collection of the tax provided for in the third section of this act shall have the same powers, pains and penalties as are now allowed by law the tax collectors in this State for the collection of State and county taxes, and the said marshal shall, at the end of each month, pay over to the secretary and treasurer of the board of education all amounts collected by him during the month, taking receipts therefor in duplicate, one of which receipts to be kept by himself and one to be given to the president of the board of education. The marshal shall give bond in such sum as the board may fix, not to be less than double the amount likely to be in his hands at any one time—said bond to be approved by the president of the board; and the marshal shall receive such compensation as the board may determine. Marshal's authority.

SEC. 7. *Be it further enacted*, That the said board of education shall have power to establish, regulate and locate the number of public schools to be taught each year within said school district, and shall elect the teachers for Board to regulate and locate

the same and perform all the duties imposed on township superintendents in this State.

Sec. 8. *Be it further enacted*, That the secretary and treasurer of said board shall receive from the marshal of the town of Auburn all moneys collected by him on account of school tax, giving his receipt therefor in duplicate, and he shall pay all claims against said school district upon the order of the president and with the consent of the board, and he shall give bond in such sum as the board may fix not to be less than double the amount likely to be in his hands at any one time; and for such service he shall receive such compensation as the board may think reasonable and proper; said bond to be approved by the probate judge of Lee county and a certified copy sent to the State Superintendent of education.

Sec. 9. *Be it further enacted*, That the town of Auburn, as a separate school district, shall receive its proportionate share of the school fund apportioned to Lee county, including a *pro rata* share of the sixteenth section fund of each township that lies partly within the corporate limits of said town of Auburn, and the county superintendent of education for Lee county shall pay over to the secretary and treasurer of the board of education all funds belonging to said school district; *Provided*, such secretary and treasurer shall have given bond, and the same shall have been approved as required by section eight of this act.

Sec. 10. *Be it further enacted*, That the secretary and treasurer shall make quarterly reports to the board of education, showing the amount of money received and paid out during the preceding quarter, the vouchers for the same, the amount of cash in hand; and the board shall have power at any time to examine the books, accounts and vouchers of the secretary and treasurer, and for good cause may remove him at any time.

Sec. 11. *Be it further enacted*, That the president of the board of education shall make to the State superintendent of education such reports as are now required of county superintendents, and shall perform such other duties as are now or may hereafter be required of county superintendents in this State.

Sec. 12. *Be it further enacted*, That this act shall become operative, when a majority of the lawful voters resident within said district shall have voted in favor of

Secretary and treasurer to receive from the marshal.

Pro rata share of school fund.

Quarterly reports.

Report to Co. Sup't.

it, and for the purpose of ascertaining the will of the people, the mayor of the town of Auburn shall call an election by posting written or printed notices in three public places within said district, stating the time said election will be held; said notices to be posted at least ten days before the day for said election. Those voting in favor shall have printed or written on their ballots "for school district," and those opposed shall have printed or written on their ballots, "against school district." The mayor and council of the town of Auburn shall appoint three qualified electors to manage and conduct said election; and the managers so appointed shall make return of said election to the mayor and council of the town of Auburn, who shall count the vote and declare the result.

When act becomes operative.  
Election.

Approved February 17, 1885.

No. 399.]

AN ACT

[H. B. 784.]

For the relief of J. C. Scott and C. M. Sides, of Walker county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of eighteen and 50-100 dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to reimburse J. C. Scott and C. M. Sides, transferees of Jesse Chappell, of Walker county, for money paid to the State for the west half of the northwest quarter of section 16, township 15, range 8 west in said county, and for which a patent was issued to the said Chappell on the 12th day of June, 1883, when the State had by act approved February, 1860, session acts 1859-60, conveyed its right and title to the Wallis heirs and in pursuance thereof a patent to the identical land had been issued by the State to Jesse B. Wallis, on 12th June, 1861; and the auditor of the State is hereby required to audit the claim of the said J. C. Scott and C. M. Sides, and issue to them his warrant on the treasury for the above sum.

Relief of J. C. Scott & C. M. Sides.

Approved February 17, 1885.

No. 400.]

AN ACT

[H. B. 763.]

To repeal an act for the preservation of game animals and birds in the county of Tuscaloosa, approved February 23, 1883, except as to beats 16, 17, 18 and 22, and all that portion of beat 10 which lies between the Warrior river and the Columbus road from the town of North Port to Big creek.

Repeal of game  
law in Tusca-  
loosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act for the preservation of game animals and birds in the county of Tuscaloosa, approved February 23, 1883, be and the same is hereby repealed, except as to beats 16, 17, 18 and 22, and all that portion of beat 10 which lies between the Warrior river and the Columbus road from the town of North Port to Big creek.

Approved February 17, 1885.

No. 401.]

AN ACT

[H. B. 933.]

To authorize the county superintendent of education of Marion county to examine and give third grade license to teachers without the assistance of the county board.

Third grade li-  
cense to teach-  
ers. Marion co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county superintendent of education of Marion county may examine and issue license of the third grade to teachers of public schools without the assistance of the county board, but shall not charge nor receive any fee for such license.

Approved February 17, 1885.

No. 402.]

AN ACT

[H. B. 926.]

To amend an act for the protection of lands and plantations from depredation by stock in Bullock county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act approved February 13, 1883, and entitled an act to amend an act entitled an act for the protection of lands and plantations from depredations by stock in Bullock county, approved February 13, 1883, be amended by adding thereto the following provisions: The provisions of this act should not apply to that portion of Bullock county within the territory embraced within the limits of the following sections, to-wit: sections 19, 20, 21, 28, 29, 30, 31, 32, 33 of township 11, range 23, forming the southwest quarter of said township.

Amendment of  
stock law as to  
Bullock co.

SEC. 2. *Provided*, that this act shall not take effect before January 1st, 1886.

Approved February 17, 1885.

No. 403.]

AN ACT

[H. B. 925.]

To repeal an act entitled an act incorporating the town of Elba in Coffee county, approved March the 4th, 1875, and an act amending thereof, approved January 27th, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act approved March the 4th, 1875, incorporating the town of Elba, in Coffee county, and the act amendatory thereof, approved January 27th, 1883, be and the same are hereby repealed.

Act incorpo-  
rating Elba  
repealed.

Approved February 17, 1885.

No. 404.]

AN ACT

[H. B. 924.]

To constitute the city of Tuscaloosa a separate school district, and to provide for the management of the public schools in said school district.

**SECTION 1.** *Be it enacted by the General Assembly of Alabama,* That the corporate limits of the city of Tuscaloosa, and that portion of Tuscaloosa county within one mile of the corporate limits of said city, south of the Warrior river, shall constitute a school district, separate and apart from the other school districts in the county of Tuscaloosa, and the inhabitants of said city are hereby incorporated by the name of "The School District of the City of Tuscaloosa."

City of Tuscaloosa a separate school district.

Limits.

**SEC. 2.** *Be it further enacted,* That the city of Tuscaloosa, as such separate school district, shall receive the proportionate share of the public school fund coming to the county of Tuscaloosa, including a *pro rata* share of the sixteenth section fund of each township that lies partly within the school district of the city, and shall receive all the taxes collected as poll taxes within such school district, said fund and taxes to be drawn and distributed by such officer as may be appointed for that purpose by the board of education of the school district of the city of Tuscaloosa, in the same manner as county superintendents of education draw and disburse the funds for their respective counties; and the amount thus drawn for the school district of the city of Tuscaloosa shall be used exclusively for the maintenance of public schools in said district, and the city of Tuscaloosa is authorized to increase its school fund by receiving donations, but for the disbursement of all donated funds no charge whatever shall be made, and the mayor and aldermen of the city of Tuscaloosa are hereby authorized to increase the school fund by levying a tax, not to exceed one-fourth of one per cent. on the taxable property of the said city, which shall be collected as the other taxes of said city. The tax collector of the city of Tuscaloosa shall be authorized and empowered to collect the State and county poll taxes of all the inhabitants of said school district liable to pay said tax in the same manner as is now by law provided for the collection thereof.

Pro rata share of public school fund.

**SEC. 3.** *Be it further enacted,* That the public schools

of the school district of the city of Tuscaloosa, shall be under the charge of a board of education, to consist of the mayor of Tuscaloosa, who shall be *ex officio* president of said board, and four other persons, residents of said district, to be elected by the mayor and aldermen of said city at their regular meeting in the month of July, 1885; the two first elected shall hold their office for the term of one year, and the two last elected shall hold their said office for the term of two years, and at each regular meeting in the month of July of each year, they shall elect two suitable persons to succeed those whose offices have expired so that two of such persons shall be elected annually, and the president of said board shall make reports and furnish statistics and information to the superintendent of education of the State as may be required by law of county superintendents of education.

Board of education.

SEC. 4. *Be it further enacted*, That each member of said board of education, shall upon entering on the duties of his office subscribe an oath to faithfully discharge all the duties enjoined upon him by law as such officer; such oath may be administered by the mayor of said city.

Oath of.

SEC. 5. *Be it further enacted*, That said board of education shall have power, with the approval of the board of mayor and aldermen, to build upon the property of the city suitable houses for use and accommodation of the public schools of said school district, or the said board may rent such houses. Said board shall keep said houses in proper repair and shall furnish the same with appropriate furniture and apparatus; *Provided*, that no contract shall be entered into and no disbursement of any moneys or funds, under the provisions of this act shall be made, except by the consent and under the direction and control of the board of mayor and aldermen.

Powers of.

SEC. 6. *Be it further enacted*, That the said board of education may open a sufficient number of schools to meet the wants of the population of the city of Tuscaloosa; and said board shall elect such officers as are in their opinion necessary to the good government of said schools, and when required such officers shall, before entering upon the duties of their respective offices, take the oath of office prescribed by law for all officers in this State, and shall give bond in such sum as may be fixed by said board of education, and conditioned as all other official bonds;

Open schools and elect officers.

Compensation  
of teachers.

such bond shall be approved by the president of said board of education, and filed with the other official bonds of the city, and a certified copy of the bond of the officer selected to receive the funds of said district shall be filed in the office of the superintendent of education; and shall elect all teachers, fix their compensation and prescribe their duties, control the distribution of teachers and pupils among the several schools, dictate the course of instruction, the number and character of text-books, the organization of classes, and the method of teaching, and shall prescribe rules and regulations for the government of the schools aforesaid. Such board shall have and exercise such other and additional powers as may be necessary to give it complete control of the public schools of said school district. Any of such officers or teachers may be removed for cause, to be determined by said board.

Issue diplomas

SEC. 7. *Be it further enacted*, That said board of education may issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public school of said school district.

Eligibility of  
scholars.

SEC. 8. *Be it further enacted*, That the children and wards of all actual residents within the limits of the school district of the city of Tuscaloosa, from seven to nineteen years of age, shall be entitled to seats as pupils in the public schools of said city; *Provided*, such children shall themselves be *bona fide* residents of said city, and non-resident children may be admitted into such schools on such terms and conditions as the board of education may prescribe, but separate schools shall be provided for colored children.

Incident'l fees.

SEC. 9. *Be it further enacted*, That the board of education shall have power to charge in the several grades in said schools such incidental or other fees as they may deem necessary for the proper conduct of said schools.

School funds.

SEC. 10. *Be it further enacted*, That all funds devoted to public school purposes in the school district of the city of Tuscaloosa, whether derived from State, county or city, shall be paid into the treasury of said city, where they shall be kept and accounted for separate and distinct from all other funds belonging to said city, and shall be disbursed in such manner as the board of education shall direct.

SEC. 11. *Be it further enacted*, That the board of education shall have authority to create a board for the

examination of applicants for positions as teachers in the public schools of the school district of the city of Tuscaloosa, and no person shall be elected as a teacher in said schools who shall not have received a license from such board. Examination of applicants.

SEC. 12. *Be it further enacted*, That the board of education may, in its discretion, institute annual competitive examinations before such persons as the board may select for all applicants for license to teach in the public schools of the school district, including licensed teachers in said schools who are applicants for re-election as teachers. Competitive examination.

SEC. 13. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 17, 1885.

No. 405.]

AN ACT

[H. B. 921.

To provide for the election of the county superintendent of education by a vote of the legal electors of Covington and Bullock counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county superintendent of education of Bullock and Covington counties shall be elected at the general election on the first Monday in August, 1886, by the legal electors of said county, and at the general election every two years thereafter in the same manner as other county officers are elected; and said superintendents term of offices shall begin on the first day of October, 1886, and continue for two years, and they shall hold said office and perform all the duties thereof under the laws governing public schools; and in case of vacancy of said office, the State superintendent of education shall fill said office by appointment, and such appointment shall fill said office until the next regular election thereafter. Election of superintendent of education in Bullock & Covington counties

SEC. 2. *Be it further enacted*, That all laws or parts of laws in conflict with this act are hereby repealed.

Approved February 17, 1885.

No. 406.]

AN ACT

[H. B. 908.]

To amend section one of an act entitled an act to prohibit the sale of spirituous, vinous and malt liquors in Dallas county, outside the corporate limits and police jurisdiction of Selma, approved December 12th, 1884.

Prohibit'n law  
in Dallas co.  
amended.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of an act entitled an act to prohibit the sale of spirituous, vinous and malt liquors in Dallas county, outside the corporate limits and police jurisdiction of Selma, be amended so as to read as follows: Any person who sells, gives away or otherwise disposes of vinous, spirituous or malt liquors, or intoxicating bitters, beverages or drinks, or fruits preserved in alcohol or alcoholic liquors in Dallas county, outside the corporate limits of the city of Selma, shall be guilty of a misdemeanor, and on first conviction shall be fined not less than fifty dollars, and on a second and every subsequent conviction, shall be confined at hard labor for the county for not less than thirty, nor more than ninety days.

SEC. 2. *Be it further enacted,* That any person or persons who may have taken out license in the territory known as the police jurisdiction of Selma, outside its corporate limits, shall be entitled to have three-fourths of said license refunded, and the probate judge of Dallas county, and the State auditor, are hereby directed to draw their warrants for such sums upon proof being made.

Approved February 17, 1885.

No. 407.]

AN ACT

[H. B. 906.]

To amend an act entitled an act to prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters or cordials, or fruit preserved in alcoholic liquors, within the following distances of the within named places, viz: 1st, within five miles of the court house of the town of Athens, Limestone county, Alabama; 2d, within four miles of the town of Elkmont, in Limestone county, Alabama; 3d, within four miles of the public schools in township (1) one, range three (3) west, in Limestone county, Alabama; and 4th, within three miles of Liberty church and school house in Madison county, Alabama, approved December 12th, 1884.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That said act, approved December 12th, 1884, numbered 338, the title of which is above set out in the title of this act, be and the same is hereby amended so as to read as follows: Sec. 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of January, 1885, it shall be unlawful for any person to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruit preserved in alcoholic liquors, within the following distances of the within named places, viz: First, within five miles of the court house of the town of Athens, in Limestone county; second, within four (4) miles of the town of Elkmont, Limestone county, Alabama; and third, within four (4) miles of the public schools in township one (1), range three (3), west, in Limestone county; and within three (3) miles of Liberty church and school house in Madison county, subject to the provisions hereinafter contained, as to the district above described, including said town of Athens; *Provided*, that this act shall not apply to wines sold solely for sacramental purposes; *and provided further*, that this act shall not abridge the right and privilege of any person or persons to use or give away any of the above described liquors at his or her private residence.

Amendment of  
prohibitory law  
in Limestone.

Exceptions.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not

Penalty.

less than ten dollars and not more than fifty dollars, and may be also imprisoned in the county jail or at hard labor for the county for not more than six months, at the discretion of the court trying the same.

SEC. 3. *Be it further enacted*, That the several justices of the peace and notaries public, with jurisdiction of justices of the peace, in said county, shall have final jurisdiction of offenses against this act; *Provided*, that any defendant may appeal from the decision of such justice and notary to the Circuit Court of the county, as now provided by law, and on such appeal such cases shall be tried by the Circuit Court on a statement of the solicitor, as now provided by law in cases of appeal from the several county courts, and without the indictment of a grand jury.

Election.

SEC. 4. *Be it further enacted*, That there be held at the court house, in the town of Athens, on Saturday, the 7th day of March, 1885, an election of and by the qualified voters of said district, embracing a radius of five miles from said court house, to determine the question of prohibition or no prohibition within said district; that the sheriff of Limestone county shall give notice of said election by publication; that said election shall, in all respects, not otherwise provided for herein, or inconsistent herewith, be held in accordance with the general election laws of this State; that the duties imposed by law upon officers, as to general elections in the county, are hereby imposed upon such officers as to this election, except as otherwise provided; that all the pains and penalties for illegal voting in general elections are hereby made applicable to this election.

SEC. 5. At said election those voters in favor of this Mode of voting act, as to said district, going into effect, will deposit a ballot on which is written or printed the word "prohibition," and those voters who are opposed to said law, as to said district, going into effect, will deposit a ballot on which is written or printed the words "no prohibition."

SEC. 6. *Be it further enacted*, That the judges holding said election shall count the vote thereat; make out tally sheets thereof, which said sheets, together with the box containing the ballots, shall be returned to the probate judge of said county, and on Monday, the 9th day of March, 1885, the said probate judge, the clerk of the Circuit Court, and the sheriff of said county, shall can-

vass said returns, and if need be recount said ballots, and determine and declare the result of said election; and if it appear that a majority of the voters voting at said election have voted "prohibition," then, and in that event, that fact shall be entered on the records of the probate office, and this act, prohibiting the sale, &c., of liquors, as set out in sections 1, 2 and three hereof, shall remain in full force and effect, and continue the law in said district described as "within five miles of the court house of the town of Athens, in Limestone county," but if it appears a majority of voters voting at said election have voted "no prohibition" then, and in that event, said law shall not continue in force and effect or operation in and as to said Athens district, and prohibition shall not continue in the territory embraced in said district.

SEC. 7. *Be it further enacted*, That nothing in this act contained, shall be construed and have the effect of repealing or impairing the special authority conferred by its charter upon said town of Athens of prohibiting the sale or other disposition of spirituous or vinous liquors therein.

Approved February 17, 1885.

No. 408.]

AN ACT

[H. B. 901.

To regulate the holding of the Circuit Court of Henry county, and to submit to the qualified electors of said county to determine whether one week of each term of said court shall be held at Columbia or Headland, in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Circuit Court for the county of Henry, shall be held in each year, as follows: The first week of each term of said court shall be held at the court house of said county, in the town of Abbeville, and shall commence on the third Monday after the first Monday in February in each year and on the third Monday after the second Monday in August in each year. The second week of each term of said court shall be held in the town of Columbia or the town of Headland, in said county, as the qualified electors of said county may de-

To regulate  
circuit courts  
in Henry co.

termine at an election to be held as hereinafter provided, and shall commence on the fourth Monday after the first Monday in February of each year and on the fourth Monday after the second Monday in August of each year.

Abbeville.

SEC. 2. *Be it further enacted*, That all process for causes to be heard in said court at Abbeville shall so designate, and all process for causes to be heard in said court at Columbia or Headland, which ever may be selected under the provisions of this act, shall so designate.

Clerk's office  
and duties.

SEC. 3. *Be it further enacted*, That the clerk of said court shall keep his office as now provided by law at Abbeville, but he shall keep separate dockets and records of the business of said court and of causes pending therein for trial at Columbia or Headland, which ever may be selected, and shall attend the sittings of said court at both places in said county where the same may be held, and said clerk is hereby authorized and empowered to open and keep a branch office at Columbia or Headland, which ever may be selected as the place of holding the second week of each term of said court, and to appoint a deputy clerk to conduct the same, and the deputy so appointed shall keep at such branch office all of the records, dockets and papers pertaining to cases which are to be heard in said court at the place where such branch office is kept. That the deputy so appointed shall, in the name of such clerk, have and exercise all the powers now or hereafter vested in the clerks of the Circuit Court in this State, and the clerk of the Circuit Court shall be responsible for all the acts, defaults and omissions of such person so appointed his deputy, and may require a bond of such deputy in the same amount as he is required to give as clerk of said Circuit Court and conditioned as his bond as such clerk, which bond shall be binding upon such deputy and his sureties for all of his acts, defaults and omissions as such.

Deputy clerk.

Petit jurors;  
how drawn

Grand jurors.

SEC. 4. *Be it further enacted*, That petit juries shall be drawn for each week of said court as provided by law, the time and place of their service to be designated by the officers drawing and summoning them, and that as grand juries are drawn by law for the Circuit Courts of this State, two grand juries shall be drawn and summoned for each term of said court, one for the first week to serve at Abbeville and one for the second week to serve at Columbia or Headland, which ever may be selected

for the holding of the second week of each term of said court, and the parties so drawn to serve as grand jurors must be notified of the time and place of service by the officers drawing and summoning them.

SEC. 5. *Be it further enacted*, That whenever, from Limits.  
any cause, a civil or criminal cause pending in said court at Abbeville shall not be tried at Abbeville during the first week of any term the presiding judge may, at his discretion, set over said cause to be tried at Columbia or Headland, which ever may be selected for the holding of the second week of each term of said court during the remainder of said term, whereupon the same shall be tried on the original papers, dockets and records, the same as if tried where the process was returnable, except that in no criminal case where the defendant and in no civil case where the plaintiff or defendant shall reside in said county on the north side of the line herein designated, viz: Commencing in said county where the Abbey creek, sometimes called the Yatta Abba creek, empties into the Chattahoochee river, thence along said creek to the Goolsby bridge where the Newton and Franklin road crosses said creek, thence along said Newton and Franklin road to where it intersects the line between townships 4 and 5, thence along said line between townships 4 and 5 west, to the Dale county line, shall the trial be held in Columbia or Headland, which ever may be selected for the holding of the second week of each term of said court, without the consent of such defendants in criminal cases, and such plaintiffs and defendants in civil cases, or their attorneys of record made in writing or in open court.

SEC. 6. *Be it further enacted*, That whenever a criminal or civil case shall be pending in the court to be held When tried at  
Abbeville.  
at Abbeville, if the defendant shall reside south of or below the line designated in the fifth section of this act, it shall be the duty of the presiding judge of said court, on the application of such defendant or his attorney in writing or in open court, to transfer said cause to the court to be held at Columbia or Headland, which ever may be selected for the holding of the second week of each term of said court, to be there tried on the original papers the same as if the process had been originally returnable to the court at that place.

SEC. 7. *Be it further enacted*, That whenever a civil

At Columbia.

or criminal cause shall be pending in said court to be held at Columbia or Headland, which ever may be selected, if the defendant shall reside north of or above said line designated in section five of this act, the presiding judge of said court, on application of such defendant or his attorney, in writing or in open court, to transfer said cause to the court to be held at Abbeville, to be there tried on the original papers the same as if the process had been originally returnable to the court at that place.

Appeal.

SEC. 8. *Be it further enacted*, That in all cases of appeal to the Circuit Court where the defendant resides on the north side, or above the line designated in section five of this act, the appeal shall be taken to be heard at Abbeville, and in all cases where such defendant resides south of or below said designated boundary, the appeal shall be taken to be heard at Columbia or Headland, which ever may be selected as the place for holding the second week of each term of said court as hereinafter provided; and in all preliminary examinations before committing magistrates defendants may be required to give bond to appear and answer any criminal charge in said court at Abbeville, if living north of or above said line, and at Columbia or Headland, whichever place may be selected for the holding of the second week of each term of said court, if living south of or below said line.

Bond for appearance.

SEC. 9. *Be it further enacted*, That any person indicted or bound over to answer any criminal offense in said county, if unable to give bond for his appearance at court, shall be confined in the jail at Abbeville if he is a resident of said county living north of or above the boundary line designated in section five of this act, and if the person reside south of or below said boundary line, he shall be confined in the jail at Columbia or Headland, according as the same may be located under the provisions of this act, except that such persons may be confined in either jail when, in the opinion of the judge of said court, one of said jails is not secure; *Provided, however*, that until a safe and suitable jail be erected at Columbia or Headland, whichever place may be selected for the holding of the second week of each term of said court under the provisions of this act, all persons required to be confined in the county jail of said county shall be confined in the jail at Abbeville, except that during the sessions of said court at Columbia or Headland, prisoners

Jail at Abbeville.

to be tried there may be confined in the town guard-house under such precautionary directions as the presiding judge may give for the safe keeping of such prisoners.

SEC. 10. *Be it further enacted*, That the criminal docket shall be taken up on Wednesday of each week of said court, and all civil cases in said court shall stand for trial at the first term whenever the summons and complaint have been executed twenty days before the meeting of the court to which said process is returnable, and all pleas and demurrers in civil cases must be filed within the first two days of each week of said Circuit Court.

Criminal docket; when taken up.

SEC. 11. *Be it further enacted*, That in any civil or criminal case where there are two defendants, residents of said county, jointly sued or indicted and they shall live on different sides of said line designated in section five of this act, the trial in civil cases may be had at either place where said court is held in said county as the plaintiff may designate in his process, and in criminal cases the trial shall be had at the place where the indictment is found, and where there are more than two defendants jointly sued or indicted who live in said county on different sides of said line designated in section five of this act, the trial shall be at Abbeville if a majority of said parties so sued or indicted live north of or above said line, and at Columbia or Headland, whichever may be selected as the place of holding the second week of each term of said court, if a majority of the parties so sued or indicted live south of or below said line.

When more than two defendants.

SEC. 12. *Be it further enacted*, That the probate judge of said county shall order an election to be held in each beat in said county on the 30th day of March, 1885, and that the sheriff of said county shall give the usual notice and conform, in every particular, to the requirements of the election laws of this State. He shall state the object of said election to be to decide by ballot whether the second week of each term of the Circuit Court of said county shall be held, under the rules prescribed by this act, at Columbia or at Headland, in said county, and it shall be his duty to use the means provided by law for the regulation of elections, to insure a fair and honest election; and at said election every qualified elector of said county shall be entitled to vote, and each elector desiring to vote for the second week of each

Probate judge to order election.

**Mode of voting** term of said court to be held at Columbia shall have written or printed on his ticket "Columbia," and each elector desiring to vote for the second week of each term of said court to be held at Headland shall have written or printed on his ticket "Headland," and the place receiving a majority of the votes cast at said election is hereby declared to be the place at which the second week of each term of said court shall be held under the rules and regulations hereinbefore provided, but no court shall be held at such place so selected until a suitable building in which to hold the same shall be furnished free of cost to the county.

**Returns.** SEC. 13. *Be it further enacted*, That the returning officers of the different precincts shall make their respective returns as required by law, and the officers whose duty it now is shall count and announce the result of said election as is customary in other elections, and any qualified elector of said county so desiring can contest said election before the probate judge of said county under the laws now of force in this State for the contest of elections so far as the same may be applicable.

**Expense of building jail.** SEC. 14. *Be it further enacted*, That no part of the expense incurred in erecting a jail at the place selected for the holding the second week of each term of said court shall be paid out of the treasury of said county.

SEC. 15. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, but the provisions of this act as to the time of holding said Circuit Court shall not take effect until after the first day of July, 1885.

Approved February 17, 1885.

No. 409.]

AN ACT

[H. B. 899.

To provide for a county solicitor for Montgomery county.

**County solicitor, Montgomery co.** SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the expiration of the term of office of the present solicitor of the second judicial circuit, there shall be appointed in the manner hereinafter provided a solicitor for the county of Montgomery, whose term of

office shall be six years and shall continue until his successor is elected and qualified.

SEC. 2. *Be it further enacted*, That said solicitor for the county of Montgomery shall be elected at the next regular session of the general assembly of Alabama, and every six years thereafter in the same manner, in all respects as now provided by law for the election of circuit solicitors. When elected.

SEC. 3. *Be it further enacted*, That such solicitor so elected, shall be a qualified elector and a practicing attorney of the county of Montgomery at the time of his election, and he must reside in said county during his continuance in office or he vacates his office; and it shall be the duty of the judge of the City Court of Montgomery to notify the governor of such vacancy, who must supply the vacancy. Qualifications.

SEC. 4. *Be it further enacted*, That when, from any cause a vacancy occurs in this office, such vacancy shall be filled by the governor. Vacancy filled by governor.

SEC. 5. *Be it further enacted*, That it shall be the duty of such county solicitor to attend upon the City Court of Montgomery, and in such court to attend on all grand juries, advise them in relation to matters of law, examine and swear witnesses before that body, to draw up all indictments in said City Court of Montgomery and to prosecute all indictable offenses therein, and also to prosecute all criminal cases which may originate in the County Court of said county, or which may be brought to said court from magistrate's courts in said county, and to perform such other duties as may be required by law. Duties of solicitor.

SEC. 6. *Be it further enacted*, Such county solicitor must attend each regular and special term of the City Court of Montgomery, and remain until the business of the State is disposed of. If absent, a conditional judgment must be rendered against him for two hundred and fifty dollars, to be made absolute on notice to such solicitor at the next term thereafter unless a good excuse is rendered.

SEC. 7. *Be it further enacted*, That the presiding judge, when the solicitor is absent or when he is connected with the party against whom it is his duty to appear, by consanguinity or affinity within the fourth degree, or when the solicitor is suspended, must appoint a competent attorney to act in the solicitor's place; and such attorney so appointed shall perform the duties of the so- When judge may appoint one to act.

licitor's office, and receive the same fees and emoluments thereof until such solicitor resumes his regular duties.

Court to make order suspending.  
 SEC. 8. *Be it further enacted*, That when it is made known to the judge of the City Court of Montgomery that an indictment is pending against the person who is acting as solicitor for the county of Montgomery, the court must make an order suspending such solicitor, and the solicitor so suspended shall not act as solicitor until such order of suspension shall be set aside.

Oath and compensation.  
 SEC. 9. *Be it further enacted*, That such solicitor for the county of Montgomery shall, before entering upon the discharge of his duties, qualify in the same manner as circuit solicitors, and shall be paid in the same way as now provided by law for the payment of fees of circuit solicitors in said county.

Fees.  
 SEC. 10. *Be it further enacted*, That such solicitor shall be entitled to the same fees and emoluments that circuit solicitors are entitled to by law.

SEC. 11. *Be it further enacted*, That all laws and parts of laws contrary to the provisions of this act be, and the same are hereby repealed.

Approved February 17, 1885.

No. 410.]

AN ACT

[H. B. 889.

To allow the probate judge of Conecuh county the same fees for public road service as are now allowed under the general laws of Alabama.

Fees of probate judge of Conecuh county.  
 SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, the probate judge of Conecuh county, on showing to the Court of County Commissioners that he has discharged his duties in relation to public roads, shall be entitled to receive annually, not exceeding the sum of ninety dollars, to be paid out of the county treasury as is provided for under the general laws of this State.

Approved February 17, 1885.

No. 411.]

AN ACT

[H. B. 883.]

To provide for the appointment of three township trustees of public schools for each township in Greene, Pike, Sumter, Barbour, Pickens, Bullock, St. Clair, Cleburne and Calhoun counties, by the county superintendent of education of said counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That three township trustees of public schools for each township in Greene, Pike, Sumter, Barbour, Pickens, Bullock, St. Clair, Cleburne and Calhoun counties shall be appointed by the county superintendent of education of said counties, subject, when appointed, to the approval of the state superintendent of education, whose terms of office shall commence at the expiration of the terms of the township superintendents in said county now serving, and shall continue for the term of two years and until their successors are appointed and qualified, as now provided by law as to township superintendents; and none but a freeholder or householder resident in the township shall be eligible to said office of township trustee. Appointment of trustees of public schools in cert'n counties.

SEC. 2. *Be it further enacted,* That said township trustees, when appointed, shall perform the same duties in all respects as now required by law of township superintendents of education in this State, and shall act under the same provisions and regulations as said township superintendents do under the general statutes now in force in this State, and shall be entitled to the same exemptions from jury duty, road duty and poll tax as said township superintendents now are; and that said township trustees shall in all respects be governed, controlled and regulated by the general statutes now governing, controlling and regulating said township superintendents. Qualifications.

SEC. 3. *Be it further enacted,* That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Duties & compensation of township sup't.

Approved February 17, 1885.

No. 412.]

AN ACT

[H. B. 870.]

To authorize the Board of Revenue of Montgomery county to employ a surveyor to establish the line of true meridian for Montgomery county.

Surveyor employed.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Board of Revenue of Montgomery county is hereby authorized and empowered to employ a competent surveyor to establish a true meridian line at some point in the county of Montgomery that may be designated by said Board of Revenue, such line to be marked by monuments of stone at the extremities of said line, and to mark on said meridian line the true length of a surveyor's chain by monuments of stone.

SEC. 2. *Be it further enacted*, That said line of true meridian so established shall be the basis of reference in ascertaining the boundaries of lands in the county of Montgomery.

SEC. 3. *Be it further enacted*, That the compensation of such surveyor shall be determined by the Board of Revenue of Montgomery county and paid out of the treasury of said county.

Approved February 17, 1885.

No. 413.]

AN ACT

[H. B. 867.]

To amend the charter of the Washington Fire and Marine Insurance Company of Mobile.

Amendment of charter.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section twelve of the act entitled "an act to incorporate the Washington Fire and Marine Insurance Company of Mobile," approved February 19th, 1867, be, and the same is hereby amended so as to read as follows: "Sec. 12. *Be it further enacted*, That this act shall be in force for and during the period of forty years from the nineteenth day of February, 1867."

SEC. 2. *Be it further enacted*, That section fourteen of the above mentioned act approved February 19th, 1867, be, and the same is hereby amended so as to read as follows: "Sec. 14. *Be it further enacted*, That the

stockholders of said company be, and they are hereby held liable under the provisions of this charter to the full extent of the unpaid stock owned by him or her."

Approved February 17, 1885.

No. 414.]

AN ACT

[H. B. 856.]

To provide for the more efficient working of the public roads in Jackson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Court of County Commissioners of Jackson county be and the same is hereby authorized to <sup>Working public roads in Jackson co.</sup> appoint a supervisor of roads for each beat in said county, whose duty it shall be to execute the orders of said court in keeping up the roads in his district, and who shall hold his office for the term of two years from the date of his appointment and qualification.

SEC. 2. *Be it further enacted,* That said court may <sup>Court to prescribe mode.</sup> prescribe the mode of working, and the character of the work to be done on the roads, and the number days that each overseer shall be required to work with his hands during any one year, not to exceed ten days.

SEC. 3. *Be it further enacted,* That said court may <sup>Supervisor to have charge of tools, &c.</sup> require the supervisors, herein provided for, to take charge of all road tools and other materials furnished by the court for his beat, and to have them on hand for the use of the overseer and hands of any section when they shall have been called out to work on their section and to account for the same under such rules as the court may prescribe; it shall also be the duty of said supervisor to be present in person at the time of working by any overseer, and to direct the work to be done according to the general orders of the court, and to see that the overseer and hands discharge their duties according to law, and to see that all defaulters are reported and fined for failure to discharge their duties and to make such reports to the court as may be required.

SEC. 4. *Be it further enacted,* That said supervisors <sup>Compensation.</sup> shall each be paid such reasonable compensation for his services as the court may allow, to be paid quarterly out of the county treasury; *Provided,* that the court may

require satisfactory proof of the faithful performance of his duties before paying him for his services.

Expenses.

SEC. 5. *Be it further enacted*, That all expenses incurred in keeping up the roads in said county shall be deemed ordinary expenses of the county and be payable out of the county treasury, as now provided by law for the ordinary expenses of the county.

Rules and regulations.

SEC. 6. *Be it further enacted*, That said Court of County Commissioners may make such rules and regulations in regard to the location of roads in said county as will enable it to place the roads upon such ground as will render it practicable to make good roads; and for this purpose, whenever any dispute arises as to the right of way, said court may appoint at least two resident citizens of the district to act in connection with the supervisor in adjusting the dispute under the regulation of the court.

Oath of supervisor.

SEC. 7. *Be it further enacted*, That the supervisors herein provided for shall be required before entering upon their duties to take and subscribe to an oath, faithfully and impartially to discharge said duties, and any failure upon the part of any supervisor to discharge any of his duties shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars, upon conviction for the same.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with this act be and they are hereby repealed.

Approved February 17, 1885.

No. 415.]

AN ACT

[H. B. 855.]

To prevent stock from running at large in a certain portion of Pole Cat Beat in Perry county, said district lying west of the Cahaba River in said county.

Stock law in Perry co.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for stock of any description whatever to run at large in that part of Pole Cat Beat in Perry county embraced within a narrow strip of land lying between the Upper Marion and Greensboro road and the stock law line running east from the S. W. corner of section 14, township 20, range

6, and a narrow strip lying between the Hale county line on the west and sections 23, 14, 11 and 2 on the east, the same being all that portion of said beat where stock are now permitted to run at large. Bounds.

SEC. 2. *Be it further enacted*, That the owner of any stock running at large in said aforementioned district shall be liable to the party injured for any damages done by said stock to the lands, crops, fruit trees, shrubbery or other property of said injured party in said district. Owner liable for damages.

SEC. 3. *Be it further enacted*, That whenever any damage has been done to the property of any person in said district by stock running at large, in violation of the provisions of this act, the party whose property has been damaged may, within ten days after such damage was done, make complaint against the owner of the stock doing the damage, to a justice of the peace or notary public of the precinct in which such damage was done, or if there be no justice of the peace or notary public of the precinct in which such damage was done, then to a justice of the peace or notary public of any adjoining precinct, describing the property damaged and the stock doing the damage; and whenever such complaint is made to the justice of the peace or notary public, he shall issue notice to the owner of such stock commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from the issuance of such complaint. Said justice or notary shall also issue notice to three disinterested freeholders to be selected by him, commanding them, under a penalty not exceeding five dollars each to be assessed against them for contempt should they refuse to act, to assess and report to him on the day on which the owner of said stock is required to answer said complaint, on their oaths, the amount of damage the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace or notary public shall try such cause and render such judgment therein as the justice and equity of case demands; but if the owner of such stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained, and if judgment be Complaint to justice of peace

Damages.

rendered for the complainant, the justice of the peace or notary public shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and the costs of the suit; and shall issue execution on such judgment commanding any constable of the county to levy on and sell such stock, describing them in the execution for the satisfaction of such judgment and costs. The injured party is hereby declared to have a lien superior to all other liens on the stock doing such damage for the amount of the damage done by said stock.

Superior lien.

SEC. 4. *Be it further enacted*, That either party shall have the right to appeal from the judgment of the justice of the peace or notary public in such cause.

Right of appeal.

SEC. 5. *Be it further enacted*, That should the owner of the stock doing the damage pay or offer to pay to the party injured the amount of damage sustained by him before the commencement of the suit, then said owner shall not be liable for the costs of any suit instituted against him.

When not liable for costs.

SEC. 6. *Be it further enacted*, That the owner or manager of any stock who shall knowingly suffer such stock to run at large in violation of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than three nor more than twenty-five dollars; *Provided*, that justices of the peace and notaries public shall have jurisdiction of offenses under this act, and all prosecutions for a violation of any of the provisions of this said act must be commenced within twenty days after the commission of the offense, and the party injured by the stock shall alone have the right to institute such prosecution.

Own'r guilty of misdemeanor.

SEC. 7. *Be it further enacted*, That this act shall in no wise repeal, impair or affect the law authorizing and empowering the Commissioners Court of said county to establish districts in which stock shall not be permitted to run at large on the west side of said river.

Not impair.

Approved February 17, 1885.

No. 416.]

AN ACT

[H. B. 854.]

For the relief of William Rollins, ex-tax collector of Franklin county.

WHEREAS, William Rollins, while tax collector of Franklin county, through mistake, over-paid to the superintendent of education of said county the sum of fifty-two dollars in excess of the auditor's warrant drawn in favor of county superintendent of education ; therefore,

SECTION 1 *Be it enacted by the General Assembly of Alabama*, That if said William Rollins shall make full proof to the judge of probate of Franklin county, that during the time he served as tax collector of said county, that as such tax collector he paid to such county superintendent of education the sum of fifty-two dollars or any less sum, over and above the amount of the warrant of the auditor, and that he has never received any credit for the sum, nor that such sum or any part of the same has ever been refunded or repaid to him ; *Provided*, such proof must satisfy the mind of such judge that the facts required to be proved are true. If such proof is made and such judge is of opinion that the above mentioned facts are true, he shall immediately draw his warrant upon the county superintendent of education for the amount over-paid by said Rollins in his favor, together with the interest from the date said money was paid to the superintendent of education ; *Provided*, the principal shall not exceed fifty-two dollars ; and *Provided* said judge shall place upon said warrant the seal of his office. Relief of William Rollins.

SEC. 2. *Be it further enacted*, That when said warrant is properly drawn and presented to the county superintendent of education, it shall be his duty to pay the same out of money apportioned to Franklin county for purposes of education, and he shall be entitled to a credit for the amount of said warrant.

Approved February 17, 1885.

No. 417.]

AN ACT

[H. B. 851.]

To amend an act to incorporate the Southern University at Greensborough, in the county of Greene, and for other purposes, passed January 23rd, 1856, and an act amending the same, approved February 16th, 1883.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4 of said act, passed January 25th, 1856, be and the same is hereby amended so as to read as follows: Section 4. And in order to secure the confidence of those who may desire to patronize the said University and of the public generally, and to preserve the good order of the said University and the morals of the pupils who may attend the same, that any person who sells, gives away or otherwise disposes of any vinous, spirituous or malt liquors, or intoxicating drinks, bitters or beverages, or fruits preserved in alcoholic liquors within the corporate limits of the town of Greensborough, or within five miles of said corporate limits, in any direction therefrom, must, on conviction, be fined not less than one hundred dollars for the first offense, and on the second and every subsequent offense must be fined not less than one hundred dollars and must also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months; but this section shall not be construed to prevent the use of any of said liquors in private families, nor to prohibit the use of wine for sacramental purposes, nor to prevent any regularly licensed and practicing physician from administering any of said liquors to his patients whenever they deem it necessary to do so; and it shall be the duty of the judge of the Circuit Court to give this act specially in charge to every grand jury empaneled in said court; and said grand jury shall, in every case where the evidence shall make a *prima facie* case of violating this act, find bills of indictment against said violators.

Amendment of  
act incorporat-  
ing Southern  
University.

Prohibition  
penalty.

Duty of circuit  
judge.

Board of trus-  
tees.

SEC. 2. *Be it further enacted,* That seven members of the board of trustees of said University shall be a quorum for the transaction of all business of said board, and said board may elect one of their number president of said board, who shall, whenever requested by three members of said board, call special or extra meetings of said board.

SEC. 3. *Be it further enacted,* That sections 4 and 5

of said act passed January 25th, 1856, are hereby repealed.

Approved February 17, 1885.

No. 418.]

AN ACT

[H. B. 847.

To incorporate the city of Ironaton.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city of Ironaton, in Talladega county, <sup>incorporating</sup> be and the same is hereby incorporated, and the corporate <sup>city of Irona-</sup> limits of said city shall embrace an area of land as follows: The centre of said city shall be the southwest corner of the southwest quarter of section 25, township 18, range 6, from which point the said limits shall extend one mile in every direction.

SEC. 2. *Be it further enacted*, That the corporation <sup>Corporate au-</sup> of the city of Ironaton shall hereafter consist of a mayor <sup>thorities.</sup> and board of aldermen, and said corporation shall be known and styled "The City of Ironaton," and by that corporate name may sue and be sued, plead and be impleaded, grant, receive, and do all other acts as natural persons in respect to the powers herein granted, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of the said city; and may have and use a city seal, which may be broken or altered at pleasure.

SEC. 3. *Be it further enacted*, That the city of <sup>Divided into</sup> Ironaton shall be divided into four wards, and each ward <sup>four wards.</sup> shall be entitled to two aldermen, residing within the limits of their respective wards, to be elected by the qualified voters of said city of Ironaton, as hereinafter provided.

SEC. 4. *Be it further enacted*, That the mayor and aldermen of the city of Ironaton shall have full power <sup>Authority of</sup> and authority to lay off said city into four wards and <sup>mayor and al-</sup> declare and fix the boundaries and limits of the same, and <sup>dermen.</sup> to alter such limits and increase or diminish the wards at their discretion.

SEC. 5. *Be it further enacted*, That no person shall <sup>Eligibility.</sup> be eligible to the office of mayor or alderman unless he is a qualified voter of said city.

Tie vote.

SEC. 6. *Be it further enacted*, That the mayor and aldermen of said city shall be elected by ballot by the male inhabitants of said city, who are qualified voters under the provisions of this charter, and the marshal and other officers of said city shall be elected by the aldermen at a regular meeting of the mayor and aldermen of said city; and if there should be a tie vote in any election of said officers, the mayor shall have the casting vote.

Who qualified to vote.

SEC. 7. *Be it further enacted*, That every male person of the age of twenty-one years or upwards, born in the United States or naturalized, or who has lawfully declared his intention to become a citizen of the United States and shall have resided in the city of Ironaton six months, and is lawfully registered, and who would be a qualified voter under the general election laws of the State of Alabama, shall be qualified to hold office and be a qualified elector in said city.

First election, when.

SEC. 8. *Be it further enacted*, That the first election of city officers, elected by the people under this charter, shall be held on the first Monday in April, 1885, and biennially on the first Monday in April thereafter, and the city officers so elected shall hold their several offices for the term of two years, and until their successors are duly elected and qualified; and James A. Blackburn, John H. Johns and G. L. Crow are hereby appointed commissioners to hold said first election, either of whom, with two freeholders residing within the corporate limits of said city, may act, and all subsequent elections shall be conducted and held by the mayor and two aldermen, and in the absence of the mayor by a majority of the aldermen.

Commissioners.

In case of contest.

SEC. 9. *Be it further enacted*, That in the event any municipal election, in and for said city of Ironaton, shall be contested, it shall be contested before the judge of the Circuit Court in and for Talladega county; *Provided*, application is filed and notice given of such contest to the judge of said Circuit Court and to the person or persons, whose election is so contested, within fifteen days next succeeding such election, and the judge trying the same may hear and determine the contestation in vacation or in term time.

Either party may appeal.

SEC. 10. *Be it further enacted*, That either party to such contest shall have the right to appeal from the decision of said judge of the Circuit Court on such con-

testation to the Supreme Court of Alabama, by giving bond, with good and sufficient security, the amount and condition of such bond to be prescribed by said circuit judge.

SEC. 11. *Be it further enacted*, That the mayor and aldermen shall have full power and authority to pass all by-laws and ordinances to prevent nuisances and to declare and remove nuisances; to prevent the introduction of contagious or infectious diseases within said city by providing one or more places for the reception of the sick, or by any other lawful means whatsoever; to establish night watches and patrols; to erect lamps and provide and pay for the proper lighting of said city by gas, electricity or otherwise; to prohibit the sale of vinous, spirituous and malt liquors, or to regulate the sale thereof, and fix the sum to be paid as license to sell the same, as the mayor and aldermen of said city may see proper, within the corporate limits of said city; for the regulation of hackney-coaches, carriages, cabs, wagons, carts and drays, and for licensing them; and for the regulating and licensing of pawnbrokers within the city; to restrain or prohibit gambling, and to regulate and license theatrical and other public amusements; to establish and regulate markets and to rent out stalls in the same; to erect and repair bridges, to keep in repair all necessary streets and avenues and to open up new streets within said city upon making compensation to the owners of lands taken for public use; to make all drains and sewers required, and to keep them open; to pass all ordinances necessary for preserving streets, alleys, sewers, bridges, and other public property of the city; to organize and regulate fire companies; to enact by-laws for the extinguishment of fires, and, if necessary, to remove or pull down buildings or fences for the prevention of fires and to sink wells, to make reservoirs, to erect and repair pumps or wells in the streets or at such other places as the public good may require; to acquire by lease, purchase or otherwise the use of houses for hospitals, pest-houses, houses of correction, penitentiary or other buildings for the use of said city; and to levy and collect taxes, as prescribed by this act, for defraying the expenses of the city; to restrain and prohibit nightly or disorderly assemblages of all persons; to cause all vagrants, idle, disorderly or dangerous and suspicious persons, all per-

Board authorized to pass all by-laws.

Prohibit sale of liquors, &c.

Prohibit gambling.

Open new streets.

Levy and collect taxes.

To suppress  
immorality.

sons of evil life or ill-fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found drunk or begging in and about the streets, and who have no visible or honest employment or business in the city, and all public prostitutes who lead a notorious lewd or lascivious course of life to give security for their good behavior for a reasonable time and to indemnify the city against any charges for their support, and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding six months, unless such security shall sooner be given, which said labor shall be designated for the benefit of the city, and for all subsequent offenses of the same kind a like punishment may be inflicted by like proceedings from time to time; to take care of, preserve, remove, designate and regulate all burying grounds within the city; and to pass all such resolutions, by-laws and ordinances as they may deem necessary and proper for the good government of the city not contrary to the laws of this State, and to carry into effect the powers conferred by law on the said mayor and aldermen.

Regulate bury-  
ing grounds.

Create offices  
and appoint.

SEC. 12. *Be it further enacted*, That the mayor and aldermen are fully authorized to create all such offices and to appoint all such officers and agents as may be necessary and proper to carry into effect the powers conferred on the corporation, and all that may be deemed necessary and proper for the good government of the city, and for the preservation of the peace therein, and to prescribe the duties of all such officers and agents, to regulate and control them in the performance of their respective duties as officers or agents, and at all times to remove or discharge any or all of its officers or agents or employees; to fix the compensation of all officers and agents or employees, including that of the mayor, and to provide for their payment as the said mayor and aldermen shall deem best, and at any time to repeal, alter or amend the ordinances appointing such agents or regulating and controlling their duties or compensation, and to require such bonds or securities as they may deem proper from all such officers and agents, the conditions and amounts of such bonds to be fixed by the mayor, and the sufficiency of such bonds to be determined and approved by him.

To fix com-  
pensation.

SEC. 13. *Be it further enacted*, That the mayor of said city shall be a conservator of the peace in and for said city of Ironaton and shall have power to arrest, examine and commit or bail all persons charged with criminal offenses and to administer oaths in the same manner as justices of the peace.

SEC. 14. *Be it further enacted*, That it shall be the duty of the mayor to preside at all meetings of the board of aldermen when practicable, to see that the laws of the corporation be duly executed ; and he shall hold a court once in each day of the week if necessary, (Sunday excepted) for the trial of all offenders against the city laws and ordinances. He shall report the negligence or incapacity or misconduct of any officer or agent of the corporation to the board of aldermen ; he shall lay before said board from time to time in writing, such alterations in the laws of the corporation or measures for its good government or interest as he may deem necessary or proper, and in case of disturbance of the peace or invasion or insurrection, or whenever the peace and security of the city in his opinion requires it, he shall have power and is hereby required to call on the sheriff of the county for his aid and assistance in preserving the peace by calling out and using the posse of the county, and by all legal means the law confers on the sheriff as a peace officer, and the mayor is authorized to call out the volunteers and militia companies and all others capable of bearing arms in the city for its defense ; and the mayor shall perform all such other duties as may be legally required of him by the aldermen or by the charter, by-laws and ordinances of the city, and he is vested with full powers to perform said duties and to enforce obedience, and is authorized while holding his court to fine and imprison or either, for contempt, but imprisonment shall not extend over forty-eight hours and the fine shall not exceed twenty dollars for any one contempt. For his services the mayor shall receive such compensation as may be fixed from time to time by the board of aldermen.

SEC. 15. *Be it further enacted*, That a majority of the aldermen shall constitute a quorum ; and in the absence of the mayor at any meeting of the board any alderman selected by a majority of those present shall preside as mayor *pro tempore*, and as such shall, for the time being, exercise all the powers and discharge all the duties

Mayor's ap-  
proval.

Objections.

of mayor. A majority of the quorum may pass all ordinances and by-laws necessary and proper to carry into effect the powers conferred on the city of Ironaton by this charter and the laws of the State. All ordinances and by-laws for said city shall be presented to the mayor or alderman acting as mayor for his approval, and if he approves the same he shall endorse upon it "approved" and sign his name thereto, and thereupon it shall become a law, and if he should not approve it he shall return it with his objections to the board, and at its next regular meeting in case of his non-approval or failure to return the same as aforesaid, a vote of two-thirds of the aldermen in favor of said ordinance or by-law shall make it a law.

SEC. 16. *Be it further enacted*, That the mayor and aldermen shall have full power and authority to prohibit and prevent the erection or construction of all kinds of wooden or other buildings or structures, except those erected or constructed of brick, stone or other safe and fire proof building materials, and the same be covered with slate or metal or other fire proof material, within such portions and limits of the city as they may deem best for the safety of the same, and shall have power to fix and prescribe such fines and penalties as may be deemed proper to carry into effect the powers conferred in this section, and collect the same as other fines and penalties.

Mayor and al-  
dermen to levy  
taxes.

SEC. 17. *Be it further enacted*, That the said mayor and aldermen shall have authority to levy taxes on the real and personal property within said city, except such as may be exempt from taxation under the laws of the State of Alabama or the United States, on auction sales, and sales of merchandise on capital employed in business in said city, or incomes of persons residents therein, or itinerant or other transient persons, merchants or traders, or any business, profession, trade or calling carried on in the said city, and on all other subjects of taxation within said city on which State and county taxes are now levied, or on which may hereafter by law be levied State taxes; *Provided, however*, That no tax shall be levied upon sales under judicial proceedings or by executors, or administrators or guardians under deed of trust or mortgage for security or payment of debts.

SEC. 18. *Be it further enacted*, That the said tax on

real and personal property shall not in any one year exceed one-half of one per centum on the value of such property, and shall be levied according to assessment and valuation of the property taxed made by the assessor under such rules as the mayor and aldermen may prescribe, which said assessment and valuation the mayor and aldermen shall have authority to revise and correct as they may deem just and proper in making assessments. Tax limited.

SEC. 19. *Be it further enacted*, That the said mayor and aldermen shall have authority to assess and collect, Street tax. annually, on each male inhabitant between the ages of twenty-one and forty-five years of age, a special tax of not exceeding three dollars as a street tax; *Provided*, that any person liable for such street tax may relieve himself of the same by working on the streets of said city ten days under the direction and control of the street superintendent or other officer appointed by the mayor and aldermen for the purpose; and they may provide such penalty for the failure to pay such street tax as is provided by law for failure to pay State tax. The inhabitants of said city are exempt from working on the roads and highways out of the said city.

SEC. 20. *Be it further enacted*, That the mayor and aldermen may, if they deem it expedient to require merchants and other persons liable to pay taxes upon auction sales or sales of merchandise or other commodities offered for sale, to give unto the city clerk, or assessor, quarterly or annually, statements under oath, the gross amount of such sales; or the amount and value of the goods or other commodities received during the preceding quarter or year, as the case may be, and may levy and collect the taxes on such sales or on such goods and other commodities, quarterly or annually, as they may deem it expedient and proper. Sales of merchandise.

SEC. 21. *Be it further enacted*, That full power and authority are hereby given to said mayor and aldermen to establish such rules and regulations not inconsistent with this act for the assessment and collection of the taxes authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restrictions hereinbefore expressed for the violation of these ordinances, in reference to the taxes and revenue of the city, as they deem expe-

dient and proper; *Provided*, that the powers conferred by this section shall not extend to imprisoning for any mistake, fraud or other defect in the assessment or levy of taxes. Said mayor and aldermen may, if they deem it necessary and expedient, set aside such assessment and levy in whole or in part, according to circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

SEC. 22. *Be it further enacted*, That all the taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property within the corporate limits of said city, of the party against whom the same are assessed or levied, and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, and if assessed to an owner unknown, by a sale of the property for the non-payment of the taxes, such sale must be after thirty days notice by advertisement in a newspaper published in said city, or by posting notice of the time and place of such sale at three public places in said city. The person appointed to collect such taxes shall make such sales under such rules and regulations as the board shall prescribe and shall give to the purchasers of any real estate so sold a certificate of purchase in such form as the mayor and aldermen may prescribe, which certificate shall be *prima facie* evidence of the regularity of all provisions, proceedings and of all the facts stated therein, and also that all the requirements of the law in reference to the levy and assessment of the taxes, and sale of the property have been complied with; *Provided, however*, that real estate sold for the payment of taxes, under this act, may be redeemed at any time within two years from the sales, on payment of the amount for which such property was sold, with interest at the rate of ten per centum per annum, and all taxes and costs which have accrued; and if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made into the corporation treasury for the benefit of the purchaser; and infants, lunatics and married women shall be allowed one year after their respective disabilities are removed for the redemption of their real estate, and upon such payment or

Effect of judgment.

Notice of sale.

May be redeemed; how.

deposit being made within the period allowed for the redemption thus created by such sale and certificate, shall cease, and determine, and the purchasers, or the purchaser, claiming under him, as the case may be, shall relinquish possession; on a failure to do so, he shall be liable for an unlawful detainer.

SEC. 23. *Be it further enacted*, That the mayor and his legally appointed assistants are hereby constituted ex-officio constables of this State within the city of Ironaton, and as such are authorized to preserve the peace and arrest for a violation of law in their presence or in the presence of either of them, any person or persons without warrant as other peace officers of the State are authorized to do, and they are authorized to execute all process to them directed; and for the purpose of performing their duties, they are empowered to call to their aid any and all citizens. They are hereby entitled to the exemptions, privileges and protection given by law to constables and peace officers of this State.

Ex officio constables.

SEC. 24. *Be it further enacted*, That the mayor shall possess within the corporate limits all the powers and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases shall be entitled to the fees which are or may be by law allowed to justices of the peace, and his signature or act as mayor in such cases shall be of equal force as if done by him expressly as a justice; the party desiring it may take an appeal or *certiorari* to the Circuit Court for the county of Talladega under such rules and regulations as are or may be prescribed by the laws of the State for *certiorari* from the judgment of a justice of the peace. He shall, moreover, as mayor, have exclusive original jurisdiction to hear, adjudge and determine all suits, prosecutions or other proceedings for violation of the charter, ordinances or by-laws of the corporation. He shall have jurisdiction of all proceedings by motion, *scire facias* or other suits, any penal bonds payable to the city of "Ironaton" taken under this act or the ordinances of this corporation, including proceedings and suits against the officers of the corporation, and the sureties on their official bonds for non-payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office, and upon the judgment of the mayor in any case in any branch

May'r a justice of the peace.

Force & effect  
of an execution

Appeal from  
mayor's deci-  
sion.

of his jurisdiction as mayor or as justice of the peace, execution or appropriate process may be issued by the clerk of the corporation directed to, and to be executed by the marshal, which shall have the force and effect of an execution or appropriate process as the case may be, from any of the Circuit Courts of this State, and shall be executed by the marshal in the same manner as executions or other process as the case may be, for such Circuit Courts, and from any judgment or decision of the mayor as such, the party desiring it may take an appeal to the Circuit Court of Talladega county, on giving bond with two sufficient sureties to be approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect and satisfy such judgment as the said Circuit Court may render in the premises. But unless said appeal bond be given within five days from the date of said judgment or decision, then no appeal shall be allowed from the same. The proceedings in such appeal shall be such as are or may be prescribed by law in cases of appeal from justices of peace.

Approved February 17, 1885.

No. 419.]

AN ACT

[H. B. 833.

To amend sections one and six of an act entitled an act to authorize the investment of certain revenues in the adjustment and settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa, incurred on account of stock subscribed to rail road companies, approved February the 15th, 1883.

Auth'izing in-  
vestm't of cer-  
tain revenues.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of said act be amended so that it will read as follows, viz: That for the purpose of enabling the counties of Chambers, Lee, Randolph, Pickens and Tallapoosa to adjust and settle their respective bonded debt, incurred by subscription to capital stock of rail road companies, there is hereby appropriated by this act the amounts which are or will be due from said counties respectively, or the citizens respec-

tively, to the State for State taxes for the years, to-wit: From the county of Chambers, the taxes for the years 1881, 1882 and 1883; from Lee county, for the years 1881, 1882 and 1883; from the counties of Pickens and Tallapoosa, the taxes for the years 1882, 1883 and 1884, and from the county of Randolph, the taxes for the years 1882, 1883, 1884, 1885, 1886 and 1887; *Provided*, the fund arising from each county for said years shall be used exclusively for the settlement of the debts of such county and the costs of collection of such taxes; *Provided further*, said funds shall not be paid on any part of said indebtedness of any of said counties, until a settlement or compromise of at least two-thirds of the indebtedness of said county, as ascertained by the Commissioners Court of said county, shall be effected or agreed upon, at a rate not greater than nineteen per cent. of the original bonds and coupons thereon heretofore matured, or which would have matured, if there had been no compromise of such original bond.

No payment  
until a compro-  
mise is effected

SEC. 2. *Be it further enacted*, That section six of said act be amended so that the same shall read as follows, viz: That for the purpose of refunding the State tax hereby appropriated, if the same shall be used, there is levied by virtue of the provisions of this act, in addition to the regular State tax levied under general law, and to meet the indebtedness of said counties respectively, to the State, an annual tax of one-fourth of one per centum on all the taxable property, real and personal, in said counties respectively, which said tax so levied, for the purpose specified, shall be collected in the same way and manner and under the same pains and penalties as may be provided by the general law for collection of the regular State taxes, said tax of one-fourth of one per cent. shall begin in each county at the end of the three years tax hereby transferred, respectively, except in the county of Randolph, and in said county it shall begin at the end of the six years taxes transferred to it; and shall continue annually in each of said counties until said amount due the State has been entirely paid, including the amount paid by the State for compensation and expenses of the commissioner appointed to negotiate said settlements, which said amount shall be divided equally between said five counties.

Special tax.

Except in Ran-  
dolph county;  
when.

Approved February 17, 1885.

No. 420.]

AN ACT

[H. B. 830.]

To make Coosa River a lawful fence so far as it extends through the county of Cherokee.

Coosa river a  
lawful fence.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Coosa River, so far as it extends through the county of Cherokee, be and the same is hereby declared a lawful fence.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved, February 17, 1885.

No. 421.]

AN ACT

[H. B. 650.]

To incorporate the Southern Trust Company.

Incorporators  
of Southern  
Trust Co.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Calvin S. Brice, Herbert L. Terrell, Luther M. Meily, John W. Simpson and Milton Humes, and their associates and successors, stockholders in the corporation hereby created, are hereby created a body corporate by the name of The Southern Trust Company, and by that name shall have perpetual succession, and may contract, and be contracted with, as well as sue and be sued in any court whatsoever.

Business of.

SEC. 2. That the corporation hereby created shall have power to take and hold money, bonds, stocks and all description of personal and real property on general or special deposit, and in trust, and as security, or in payment of debts due or to become due said company; to accept and execute all such trusts of every description as may be committed to it by any person or persons whatsoever, or by any corporation; to buy, collect, adjust, settle and sell, bonds, stocks, notes, mortgages, choses-in-action, and to deal in other personal property; to loan money on mortgage or other security; to borrow money and pledge its property, or any part thereof, as security; to negotiate loans or conduct other transactions on commission; to make bonds of indemnity; to become surety for the obligations of persons and other corporations; to pur-

chase real estate in this State or elsewhere, at any sale made in virtue of any loan or mortgage made or held by said company, and hold, lease, sell or convey the same at pleasure, and generally to take, hold, sell, lease, improve and deal in real estate, provided that at no time, outside of the necessary realty, used for its offices, shall it own more than one hundred thousand dollars in value of real estate in the State of Alabama; except such real estate as may be acquired at judicial sale under mortgages or deeds of trust held by it.

SEC. 3. The capital stock of said company shall consist of ten thousand shares of the value of one hundred dollars each, with the privilege to increase or decrease the same by a vote of the stockholders at any annual meeting or special meeting called for that purpose, and the incorporators, or a majority of them, named in the first section of this act, shall have power to open books of subscription, at such times and places as they may deem expedient, and when not less than one thousand shares shall have been subscribed and ten per centum thereon shall have been paid in, the shareholders may elect such number of directors, not less than five, as the by-laws of the company may from time to time prescribe, to serve until the next annual election or until their successors shall be duly elected and qualified, and the directors so elected may at once proceed to the organization of said company, by the election of such officers and agents as the by-laws may prescribe, and they may and are hereby authorized and empowered to have and exercise in the name and in behalf of the company, all the rights, powers and privileges which are hereby given or intended to be given. Capital stock.

SEC. 4. The stockholders of said corporation shall be individually liable for the debts of the corporation to the amount of the capital stock unpaid on their respective shares, until such shares shall be fully paid up, and to no other or greater amount; and such liability shall not be enforced against any stockholder until after judgment shall have been recovered against the corporation for such debts, and execution has been returned unsatisfied thereon. Stockholders.

SEC. 5. The board of directors shall make all by-laws for the government of the company, and the conducting Board to make by-laws.

of the business thereof; and shall have power to require payment of the amount remaining unpaid on the stock of the company, at such times and in such manner as they shall think proper, and under penalty in case of non-payment as required, of forfeiture to the company of such stock and all previous payments thereon.

SEC. 6. The said company shall have an office in the city of Huntsville in the State of Alabama, but the directors may, by resolution, establish branches or agencies in the city of New York or elsewhere in the United States.

SEC. 7. This act shall take effect from and after its passage.

Approved February 17, 1885.

No. 422.]

AN ACT

[H. B. 1019.

For the relief of the widow of the late James M. Vaughan, dec'd, a representative in this General Assembly.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of two hundred dollars be, and the same is hereby appropriated out of any money not otherwise appropriated, to the widow of the late James M. Vaughan, who was a member of the General Assembly from the county of Baldwin, said sum to be in full compensation for his mileage and per diem.

Relief of the  
widow of Jas.  
M. Vaughan.

SEC. 2. *Be it further enacted,* That the auditor shall draw his warrant on the treasurer for said sum of two hundred dollars in favor of Hon. J. M. Pelham, of Washington county, to be by him paid over to the widow of said Vaughan.

Approved February 17, 1885.

No. 423.]

AN ACT

[H. B. 1018.]

To better carry into effect an act approved December 12, 1882, "To regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or patent medicines having alcohol as base, in Calhoun county."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or corporation to bring into the county of Calhoun and there deliver to any other person or corporation any of the liquors, bitters or patent medicines specified and prohibited in section five (5) of the above entitled act; *Provided, however*, that this act shall not apply in cases when the delivery is to a connecting carrier for transportation out of said county. Liquor prohibition in Calhoun co.  
Exceptions.

SEC. 2. *Be it further enacted*, That the provisions of section 6 of said above entitled act shall apply in cases of the violation of the preceding section.

SEC. 3. *Be it further enacted*, That the County Court shall have jurisdiction to try all violations under this act and the above entitled act, and for this purpose said court shall be always open. County court to have jurisdiction.

SEC. 4. *Be it further enacted*, That the informer shall be entitled to one-half of all the fines on convictions had under these two acts.

Approved February 17, 1885.

No. 424.]

AN ACT

[H. B. 1014.]

To establish a new charter for the town of Somerville.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the town of Somerville, in Morgan county, Alabama, shall be and constituted a body politic and corporate by the name of the Mayor and Council of the Town of Somerville; and by that corporate name may sue and be sued, grant, receive and do all other acts, as natural persons, in respect to the powers herein granted, may purchase and hold real, personal and mixed property, and dispose of the same for A new charter for the town of Somerville.

the benefit of said town, and may have and use a town seal, which may be changed or altered at pleasure.

Corporate limits.

SEC. 2. *Be it further enacted*, That the corporate limits of the town of Somerville shall embrace an area of land one-half mile square, the marginal lines of which shall be equidistant, north, south, east and west from the centre of the present court house of said county.

Government vested in.

SEC. 3. *Be it further enacted*, That the government of said corporation shall consist of, and its corporate powers shall be exercised by a mayor and three councilmen, who shall be elected on the first Monday of April, by ballot, and annually thereafter on the first Monday in April, by the male inhabitants of said town, of or over the age of twenty-one years, who are entitled to register under the laws of this State, and who have resided therein for three months next preceding such election.

Election of officers.

Said election shall be held by and under the direction of the sheriff of Morgan county, at some convenient place in said town of Somerville; said sheriff shall give ten days notice of said election by posting written or printed notices thereof in three or more public places in said town and shall appoint three inspectors and one returning officer to open the polls and receive the votes cast at said election, and said election shall be conducted in the same manner as elections for members of the General Assembly. The inspectors shall certify to the result at such polls, and the returning officer shall make the return to the sheriff, who shall declare the election, giving the casting vote if any two or more shall receive an equal number of votes, and shall give to the persons elected, certificates of election. The persons so elected shall, before

Oath of office.

entering upon the discharge of the duties of their respective offices, take before the Judge of Probate Court of Morgan county an oath to discharge without favor or partiality the duties of mayor or councilmen (as the case may be) of the town of Somerville, of which oath a record shall be kept in the office of said judge of probate; the said mayor and councilmen shall continue in office for twelve months from the date of their election and until successors are qualified. If, from any cause, said election should not be held in every year on said first Monday in April, the said sheriff shall, as soon as practicable, appoint another day of holding such election, not more than thirty days after such regular day, of which he shall

Election, when held.

give the like notice, and, on the day so appointed, shall open and hold such election, in the manner above described, and if, from neglect or failure of the sheriff, or from any other cause, an election for mayor and councilmen shall not be held on the regular day nor within thirty days thereafter, as above provided, then the mayor of the town shall appoint a day for holding such election, not more than sixty days after such regular day, of which he shall give the same notice, and on the day so appointed, shall hold such election in the same manner as above provided, and for the purpose of holding and completing such election, the mayor shall be vested with all the powers and be subject to all the duties of the sheriff as above set forth.

SEC. 4. *Be it further enacted*, That no person shall hold the office mayor or councilman of said town who <sup>Eligibility.</sup> has not resided therein one year next preceding the election.

SEC. 5. *Be it further enacted*, That the ballots cast at any election held under this act, shall, after being counted, be carefully sealed up by the inspectors and deposited by them with the Probate Court of Morgan county, who shall preserve the same for twenty days after the result of said election is declared; and then, if there be no contest, the said probate judge shall cause the same to be burned in the presence of himself and mayor, but in the event of a contest, they shall be delivered to the judge trying the same. <sup>Result.</sup>

SEC. 6. *Be it further enacted*, That any election held under this act may be contested in the same manner as <sup>Contest.</sup> is or may be provided by the laws of the State for contesting the election of probate judge, and all the provisions of such laws in relation to contesting the election of a probate judge shall, so far as the same are or may be applicable, apply to contests of any election held under this act.

SEC. 7. *Be it further enacted*, That if the mayor or any councilman during his term of office, and after qualifying, shall die, resign, remove from the corporation, refuse to act or be permanently disabled from acting, the remaining members of the board shall, by ballot, elect in his stead, another mayor or councilman, who shall have the qualifications prescribed in the 4th section of this act, and shall continue in office during the remainder of <sup>Vacancy.</sup>

Refusal to  
qualify.

the term and until his successor is elected and qualified, and if any person elected mayor or councilman by the qualified voters of said town at any election held under this act shall refuse to qualify, the remaining members of the board shall, by ballot, elect in his stead; if mayor, one of their own body; if councilman, some person having the qualifications prescribed in the fourth section of this act, who shall continue in office during the remainder of the term and until their successors are elected and qualified.

Judges of qual-  
ification.

SEC. 8. *Be it further enacted*, That councilmen shall be judges of the qualifications of the mayor, and the mayor and the remaining councilmen shall be judges of the qualifications of a councilman.

Quorum.

SEC. 9. *Be it further enacted*, That a majority of the mayor and councilmen shall constitute a quorum for the transaction of business. The mayor and councilmen shall fix their own sessions, and special meetings of the board may be called by the mayor at his own option, or by any two of the council. In case of the sickness or temporary absence of the mayor, the councilmen may appoint one of their own number to act as mayor during such sickness or absence, and such mayor *pro tempore* shall exercise all the powers and perform all the duties of the mayor, but the mayor shall not vacate his office by any temporary absence from the town or State.

Mayor to pre-  
side at meet-  
ings.

SEC. 10. *Be it further enacted*, That it shall be the duty of the mayor to attend and preside at all meetings of the council, keep order, put questions, take votes, etc., and he is hereby invested with power and authority to take jurisdiction of every violation of the laws and ordinances of said town and to try, convict and punish the persons committing the same, and have authority while holding his court, to punish any contempt of his court by fine and imprisonment for such contempts, but the imprisonment shall not exceed twenty-four hours and the fine shall not exceed twenty-five dollars.

Town marshal,  
clerk, &c.

SEC. 11. *Be it further enacted*, That the mayor and council shall have power to elect a town marshal, clerk, treasurer and assessor and collector of taxes, and such other officers and agents as may be necessary and proper to execute the powers conferred on the corporation or as may be deemed proper for the good government of the town, to prescribe their duties, liabilities and powers, to

require of them bonds with such security and such amounts as may be deemed expedient for the faithful discharge of their duties, to regulate and control them in the exercise of their respective duties, to remove or discharge at any time any or all of such officers or agents, a majority of the board concurring in such removal, and to fix and regulate from time to time the compensation of the officers or agents of the corporation. The officers of the corporation shall continue in office, unless removed, until the next annual election for mayor and councilmen and until their successors are qualified. The clerk, assessor, collector, treasurer and marshal, and all other such officers as the board may require to give bond, shall before entering upon the discharge of their duties, give bond with sufficient security, to be approved by the board, with condition to discharge faithfully all the duties of their respective offices on which bonds, suit and recovery may be had before the mayor or any other court having jurisdiction, in the name of the mayor and councilmen for the use of the corporation or the person injured, and said bond shall remain for the breaches of its conditions; and the mayor and councilmen may provide summary remedies by motion or otherwise before the mayor, against the officers of the corporation and their sureties for any official default or neglect.

Compensation  
of officers.

Bond.

SEC. 12. *Be it further enacted*, That the town clerk shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record; and the copy therefrom certified by the clerk shall be *prima facie* evidence in any court of record or elsewhere; and said record shall, at all times, be open to inspection, and the said clerk shall perform all such other duties as the board may direct.

Clerk to keep  
a record.

SEC. 13. *Be it further enacted*, That the marshal shall have the authority without warrant, to arrest all offenders breaking the peace, for violating any ordinance or law of said town, and bring them before the mayor; to execute by levy and sale, if necessary, all process issued by the clerk for the collection of taxes, fines, forfeitures and other dues owing to said town, and to discharge such other duties as may be made incumbent upon him by the ordinances and laws of said town.

Marshal's au-  
thority.

**SEC. 14.** *Be it further enacted,* That the clerk of said town is hereby authorized and empowered to issue all such executions and other process as may be necessary to enforce the collection of all taxes, fines, forfeitures and other dues which may be due and owing to said town on any account whatever.

**SEC. 15.** *Be it further enacted,* That the mayor and councilmen shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of contagious or infectious diseases within the corporate limits, and provide places for the reception of the sick; to erect a calaboose; to establish day and night watches; to license and regulate the retailing and wholesale of liquors within the corporate limits; to prohibit the sale or giving away of liquors on election day; to erect and repair bridges and sidewalks; to prohibit and disperse all unlawful assemblages, or disorderly assemblages; to license and regulate hawkers and peddlers, and for good cause annul their license; to license, restrain and regulate theatrical and other exhibitions and shows of whatever character, kind or name for pay, and also lectures and concerts for pay (except lectures and concerts for charitable purposes); to license and regulate hackney coaches, carriages, wagons, carts and drays, and vehicles of like kind, running from one part of the corporate limits to another for hire; to license and regulate pawnbrokers, auctioneers, commission merchants, dry goods and grocery merchants, and the keeping of hotels, eating and boarding houses, livery and sale stables, barber shops, billiard rooms, bowling saloons and ten pin alleys, and stores and shops for the sale of any goods, provisions, drugs and any other articles or commodity whatever; lawyers, doctors, dentists, and any person or company carrying on any other trade, profession, occupation, business or calling whatever; to fix the price of, or tax on all license, and to prescribe whatever the individual members, or firms or companies shall pay a license, or any other regulation to equalize and make just the license tax; to restrain and prohibit gambling and gaming houses, and houses of ill-fame; to sink and keep in repair public roads; to clean out and keep open public springs; to prohibit and punish violations of the Sabbath; to prevent stock of any kind from running at large in the public streets or alleys; to keep open and in repair the streets, alleys and avenues;

Clerk to issue executions.

Power and authority of mayor and council.

To license, restrain and regulate.

To fix price or tax on all licenses, &c.

Open and repair streets.

to prohibit riots, routs, assaults, assaults and batteries and other breaches of the peace, and all misdemeanors and felonies; to provide for the punishment, by fine, or by fine and imprisonment, or by imprisonment, or by work on the streets or other work of the town, for any breach of laws, by-law or ordinances of the corporation, but no fine shall exceed fifty dollars, and no imprisonment, work on the streets, or other work of the town shall exceed thirty days; and also to provide in cases where fine and costs are not presently paid by the party convicted, that the party so in default shall work out such fine and cost under the direction of the town officers; *Provided*, that the time of such work shall not exceed thirty days; and to pass all such laws, by-laws and ordinances as may be necessary and proper to execute the powers in this charter granted, or as may be expedient for the good government of the town, not contrary to the constitution and general laws of the State, or to the restriction in this act expressed.

Pass by-laws & ordinances.

SEC. 16. *Be it further enacted*, That the mayor and councilmen shall have authority to cause all vagrants or idle or disorderly persons, all persons of ill-fame or evil life, and such as have no visible mode of support, or are likely to become a public charge as paupers, or found begging in or about the streets, or can show no reasonable course of business or employment in the town; all who have no fixed place of residence or can not give a good account of themselves; all who are grossly indecent in language or behavior on the streets, and all prostitutes or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the town against any charge for their support, and in case of their refusal or inability to give such security, to cause them to be confined to labor for a limited time on the streets or other work of the town not exceeding five days in any one month, unless such security be sooner given, which said labor shall be such as shall be designated by the mayor and councilmen; and if such persons shall be found afterwards so offending, such security may again be required and like proceeding may alike be had from time to time as often as may be necessary in each and every month.

Vagrants and paupers.

To suppress immorality.

SEC. 17. *Be it further enacted*, That the mayor and councilmen shall have authority to levy and collect taxes

Levy and collect taxes.

on the real and personal property in the corporate limits; on auction sales and sales of merchandise; on capital employed in business; on any business, profession, trade or calling carried on in the corporate limits, and on all other subjects of taxation within said town on which State taxes are now or may hereafter be levied by the laws of the State; *Provided*, that no tax shall be levied upon sales under judicial proceedings, or under executions or by administrators, executors, guardians, or under and for the security or payment of debts.

Taxes limited.

SEC. 18. *Be it further enacted*, That the tax on personal or real estate shall not, in any one year, exceed one-half of one per cent. of the value thereof, and shall be levied according to assessment and valuation of the property taxed, made by such persons and under such rules and regulations as the mayor and councilmen may prescribe, which said assessment and valuation the mayor and councilmen are authorized to make, or they are empowered to appoint one of their number to make; and they shall have power and authority to revise and correct as they deem proper.

To provide for working streets

SEC. 19. *Be it further enacted*, That the mayor and councilmen may provide for the payment of a sum of money, not to exceed two dollars and fifty cents, by each male person between the ages of 18 and 45 years, in lieu of working upon the public streets, lanes or alleys; such exemption from such work to be for such time as may be prescribed by ordinances; all male persons between such ages shall be liable to work on the streets, lanes or alleys, but not more than ten days in any one year; and all persons residing in the corporate limits, and liable to work on said streets therein, are exempt from road duty outside of said corporate limits.

May tax sales merchandise.

SEC. 20. *Be it further enacted*, That the mayor and councilmen may, if they deem it expedient, require merchants or persons liable to pay taxes on auction sales or other sales of merchandise or other commodities offered for sale, to give in to the marshal or assessor, or such persons as may be appointed, quarterly or annually, statements, under oath, of the gross amount of such sales, of the amount and value of the goods or other commodities received during the preceding quarter or year, as the case may be, and may levy and collect the taxes on such sales,

or on such goods and other commodities, quarterly or annually, as they may deem expedient and proper.

SEC. 21. *Be it further enacted*, That full power and authority are hereby given to the mayor and councilmen to establish such rules and regulations, not inconsistent with this act, for the assessment and collection of taxes authorized by this act, as they may deem expedient, and to provide and employ all lawful means and proceeding to enforce and collect the same and to impose such fines and penalties, subject to the restrictions hereinafter expressed for the violation of their ordinances in reference to the taxes and revenues of Somerville, as they may deem requisite and proper, for any mistake, fraud or other defect in the assessment and levy of the taxes; said corporate authorities may, if they deem it necessary or expedient, set aside such assessment or levy, in whole or in part, according to the circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

Assessment & collection of taxes.

SEC. 22. *Be it further enacted*, That all the taxes assessed or levied in pursuance of authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed and all other property within the corporate limits, of the party against whom the same are assessed or leased; and the person appointed to collect such taxes must, on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, or if assessed to an owner unknown, by a sale of the property. All such sales of property for the non-payment of taxes, must be after thirty days public notice, by advertisement in some newspaper published in Morgan county, and by posting at the court house door. The person appointed to collect such taxes shall make such sale under such rules and regulations as the corporate authorities may prescribe, and shall give the purchaser of the real estate so sold a certificate of purchase in such form as the corporate authorities may prescribe, which certificate shall be *prima facie* evidence of the regularity of all previous proceedings, and of all the facts stated therein, and also that all the requirements of the law in reference to the levy and assessment of the taxes and the sale of the property, has been complied with; *Provided, however*, that the real estate sold for the payment of taxes, under this act, may be redeemed at any time within two

Taxes assessed have force and effect of judgment.

Notice.

Certificate of purchase.

Redeemable; how.

years from the date of the sale, on the payment of the amount for which such property was sold, with interest at the rate of ten per centum per annum, and all taxes and costs which have accrued, and, if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made into the corporation treasury for the benefit of the purchaser; and if infants, lunatics and married women, shall be allowed one year after the removal of their respective disabilities for the redemption of their real estate; and upon such payment or deposit being made, within the period allowed for the redemption, the title created by such sale and certificate shall cease and determine, and the purchaser and claimant under him shall relinquish possession, or in failure to do so, shall be liable for an unlawful detainer.

SEC. 23. *Be it further enacted*, That the officers of said corporation are hereby clothed with power and authority to do any and every act necessary to carry out, with full force and effect, all the provisions of this act.

SEC. 24. *Be it further enacted*, That all laws and parts of laws heretofore affecting or relating to the corporation of the town of Somerville, Alabama, be and the same are hereby repealed.

Approved February 17, 1885.

No. 425.]

AN ACT

[H. B. 1012.

To incorporate the "Ashville Academy."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That John W. Inzer, E. J. Robinson and D. E. Cason, of Ashville, St. Clair county, Alabama, their successors in office be, and they are hereby created a body corporate and politic with power of perpetual succession, with power to sue and be sued, implead and be impleaded, contract and be contracted with, and generally to do all acts and things necessary to carry out the purposes of said corporation.

SEC. 2. *Be it further enacted*, That the name of said corporation shall be "Ashville Academy," and its domicile and place of business shall be in the town of Ashville, St. Clair county, and said corporation shall have power under

said name to organize, regulate and maintain a high school for the education of boys and girls, and to confer degrees and grant diplomas to all persons who shall complete the course of study, which shall be adopted by the board of trustees, and to do all things necessary and proper to carry out the purposes of a regular high school.

SEC. 3. *Be it further enacted*, That said incorporators and their successors in office are empowered to organize and employ a regular faculty of teachers in said school and to maintain the same, to prescribe the course of studies, fix the rates of tuition; and no literary degree shall be conferred without the consent of said incorporators or their successors in office or a majority thereof, and no diploma shall be valid unless signed by a majority of them.

SEC. 4. *Be it further enacted*, That said incorporators and their successors in office under said corporate name may acquire, have, own, receive, hold and possess by gift, grant, purchase, devise, bequest or otherwise, real and personal property, to the value of fifty thousand dollars, and to dispose of the same at pleasure by sale or otherwise, and shall have all other rights and powers now conferred on private corporations under existing laws.

Approved February 17, 1885.

No. 426.]

AN ACT

[H. B. 998.

To authorize the intendant and councilmen of the town of Abbeville, Henry county, to require work on the streets of said town, or a street tax in lieu thereof, and to provide for the performance of street work and the collection of street taxes.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the intendant and councilmen of the town of Abbeville, Henry county, shall have power and they are hereby authorized to require each and every male inhabitant of said town, within the corporate limits thereof and subject to road duty under the laws of this State, to work on the streets of said town not exceeding ten days of each year, and may enforce the aforesaid duty by the same penalties as prescribed by law for fail-

ure to work on the public roads after warning, and may pass such ordinances and provide such regulations and proceedings as may be necessary to enforce the same.

Intendant and  
council may  
exempt.

SEC. 2. *Be it further enacted*, That the said intendant and councilmen may, at their discretion, exempt from working the streets of said town all persons living within said town liable to road duty, and require of such persons to pay a poll or street tax, not exceeding five dollars each, and they are authorized to levy and collect such poll or street tax annually, and to prescribe the mode of such assessment and collection by ordinance.

Exempt from  
outside road  
duty.

SEC. 3. *Be it further enacted*, That all persons residing in said town who work on the streets thereof or pay a street tax under the provisions of this act, shall be and are hereby exempt from road duty outside of said town.

Approved February 17, 1885.

No. 427.]

AN ACT

[H. B. 992.

To amend an act to amend section nine of the charter of the town of Auburn, Lee county, Alabama, approved March 1st, 1881.

Amendment of  
charter of the  
town of Au-  
burn.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act to amend section nine of the charter of the town of Auburn, approved March 1st, 1881, be amended to read as follows: Section 9. *Be it further enacted*, that it shall not be lawful for any person within the corporate limits of the town of Auburn, to sell, barter, give away or deliver to another, any vinous, malt, spirituous or fermented liquors, or any intoxicating beverages or any fruit preserved in spirituous liquors; any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and in connection shall be fined not exceeding five hundred dollars and may be imprisoned in the county jail or sentenced to hard labor for the county for a period not exceeding twelve months; *Provided*, the provisions of this section shall not be so construed as to prohibit the use of wine for sacramental purposes in the churches or the use of liquors in private families or practicing physicians from administering al-

coholic stimulants to his patients; *Provided*, that this act shall not go into operation until the first day of May, next.

Approved February 17, 1885.

No. 428.]

AN ACT

[H. B. 989.

To regulate the sale of real estate for unpaid municipal taxes in the city of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever any taxes on real property in the city of Montgomery assessed for municipal purposes shall be due and unpaid for thirty days the clerk of the city council of Montgomery may, at any time thereafter, file with the recorder of said city, a list of the property on which the taxes are so in default, describing the same as accurately as may be according to the map of said city in common use, and with the name of the owner of each separate piece, if known, and the amount of taxes, interest and cost due for any previous time on each piece separately, or if the owner be unknown, stating the fact and giving the name of the occupant, if any, or that the property is unoccupied.

To regulate the sale of real estate for taxes in Montgomery.

SEC. 2. *Be it further enacted*, That it shall be the duty of the recorder of said city to keep a book in which he shall enter the property so reported to him delinquent, stating each piece separately, and docketing a case against each piece of property, as follows: City Council of Montgomery vs. ———, (describing the property) and against such entry shall note the ownership of said property, and the amount of taxes, interest and costs due on said property, and shall leave space for the proper judgment entry in each case. The recorder shall then cause a notice to be posted in some conspicuous place on said property, stating the fact that the taxes are delinquent and giving the amount of the same, and such statement as to ownership as may be entered on his docket and that proceedings are pending before the recorder to have the same sold for non-payment of taxes, and also shall cause a similar notice to be served on the owner of said property, if known and resident in the county of

Duty of the recorder.

Notice to be posted.

Notice served  
by chief of po-  
lice.

Montgomery, otherwise upon the occupant of said property, or if the same be vacant shall publish such notice in some newspaper published in the city of Montgomery, for three consecutive weeks, before proceeding further in said matter. The notices prescribed shall be served and posted and published by the chief of police of said city, whose return of service and posting and publication shall have the same force and effect as the returns of a sheriff on process from the Circuit Court.

Taxes unpaid  
for thirty days.

Judgment with  
int'rest & costs.

SEC. 3. *Be it further enacted*, That if the taxes remain unpaid for thirty days after the posting and service of the notices above provided, or after the completion of the publication required, the said clerk of the city council may move the recorder for a judgment against said property, which motion may be made by the entry judgment asked for, in the cause for the amount of taxes, interest and cost due on the same, and the recorder shall thereupon, if good cause be not shown to the contrary, enter upon his said docket a judgment against said property for the amount of taxes, interest and costs that may be due on said property up to that time, and a decree for the sale of the property for non-payment of the same, which judgment and decree shall be sufficient if in substance as follows: Due notice having been given and no cause shown to the contrary it is decreed that the property described in the cause be sold for non-payment ——— (giving amount of taxes, interest and costs), the the amount of taxes assessed against the same with interest and costs, which judgment shall have the same force and effect as a decree of the Chancery Court of the district where said real estate is situated.

Appeal to the  
chanc'ry court.

Bill of excep-  
tions.

SEC. 4. *Be it further enacted*, That an appeal may be taken at the next term of the Chancery Court at Montgomery by any person interested in said property, from the decree of the recorder in such cases, within thirty days from the date of any such decree, upon giving bond in double the amount of the judgment, with sufficient sureties or security, to be approved by the recorder conditioned to pay such judgment as the said Chancery Court may render in the premises, and all such costs and damages as the city council may sustain if the appeal is affirmed; such appeal shall be heard on the record and bill of exceptions reserved by the defendant, setting out such of the evidence as he may deem necessary, to a fair

presentation of his defense, and must be affirmed or reversed as may seem proper to the chancellor, and if reversed may be remanded or decree be rendered by the chancellor as may be just and right.

SEC. 5. *Be it further enacted*, That upon obtaining judgment in any of said causes the clerk of said city council shall advertise the property so decreed to be sold for three consecutive weeks, in some newspaper published in the city of Montgomery, stating in said advertisement the description of said property, the amount of the judgment against the same, the ownership thereof, all as shown by the court docket and the time and place when he will offer the same for sale; and on the day advertised shall at the artesian basin in said city, between the hours of 12 o'clock M. and 5 o'clock P. M. offer said property for sale to the highest bidder for cash, and may continue said sale from day to day or adjourn the sale of one or more pieces of the property, for want of bidders, from time to time, not longer than ten days at any one time, and may give due notice of such adjournment by a foot note to the original advertisement of sale, or by new advertisement, and said city council may purchase at any sale any piece of such property for which there is no bid greater than the amount of taxes, interest and costs, or may withdraw from sale and postpone the sale of any piece for which there is not a bid exceeding said amount.

Clerk to advertise property for sale.

When sold.

City council may purchase.

SEC. 6. *Be it further enacted*, That when any piece of property so offered for sale is bid off by any person, the clerk of the city council shall give to such purchaser a certificate stating the fact of his purchase, and the price and the amount and nature of the judgment for which the property was sold, which certificate shall be transferable by endorsement, and shall vest in the endorsee and the rights of the original purchaser at said sale; and if said property is not redeemed by the end of two years from the date of such certificate, the clerk of the city council shall execute to the holder of such certificate a deed conveying the property sold, which deed shall be signed by said clerk and acknowledged by him before some officer authorized to take acknowledgments of deeds, and upon being duly recorded in the office of judge of probate of Montgomery county, shall be effective to vest in the grantee all the right, title and interest which the owner of the property conveyed had in the same.

Clerk to give purchaser certificate.

Deed as evidence.

SEC. 7. *Be it further enacted*, That a deed made and recorded as provided in the preceding section, when offered in evidence, in any of the courts of this State, in any proceeding involving the right of the grantee in said deed, his heirs or assigns, to the property described in said deed, shall be *prima facie* evidence that the taxes for which such property was sold were properly and legally levied and assessed; that the notices required by this act were given and posted as herein required; that the taxes were due and unpaid at the time of the judgment and sale, and that the property was properly and duly advertised and sold.

Irregularity in proceedings.

SEC. 8. *Be it further enacted*, That if for irregularity in proceeding, or any other cause, a sale for taxes, under this act, shall prove ineffectual to pass title to the purchaser at such sale, or his assignee or the grantee, in any deed made to the holder of any certificate of purchase, then such certificate or deed, as the case may be, shall have the effect to transfer to the holder thereof the lien of the said city council on the land named therein, for the amount of taxes, interest and costs for which said land may have been sold, and shall also be a lien on said land for interest on said sum and for all taxes paid thereon by any holder of said certificate or deed after the time of such sale, and such lien may be enforced by new proceedings before the recorder for his benefit in the name of the City Council of Montgomery, upon indemnity being given for costs.

Right of redemption.

SEC. 9. *Be it further enacted*, That the owner or mortgagee of any interest in said property, whether in possession, reversion, or remainder, may, at any time before the execution of the deed provided for in section six of this act, redeem any property, so sold, by paying to the clerk of the city council the amount for which such property was bid off, with ten per cent. damages thereon, and interest on the whole amount at eight per cent. per annum; and the clerk shall give to the person redeeming a certificate of such redemption, which, if held by any mortgagee or holder of a reversion or remainder, shall be a lien on said land for the amount paid to redeem any interest thereon, and any subsequent taxes paid by such redeeming party; and the clerk of the city council shall pay over the redemption money to the holder of the cer-

tificate of purchase, upon the same being presented to him.

SEC. 10. *Be it further enacted*, That the recorder of the city of Montgomery is hereby invested with equity jurisdiction for the purpose of enforcing any of the provisions of this act, but in all cases an appeal may be taken to the chancery court of the district, as above provided. Recorder vested with equity jurisdiction.

SEC. 11. *Be it further enacted*, That the recorder shall tax as costs, against the property ordered to be sold by him, fees for giving notice and for the trial and rendition of judgment, and for the making of a certificate of purchase and execution of a deed, as the city council of Montgomery may prescribe, not exceeding five dollars in any case, which shall be appropriated as the said city council may order.

SEC. 12. *Be it further enacted*, That the certificate to the purchaser, under this act, shall authorize the purchaser, or his assignee, to enter upon, or maintain ejectment, for the possession of the premises sold, against the former owner, if the sale was made as required by this act and was not invalid; and in addition to the right of redemption secured by section nine of this act, the owner or mortgagee of any interest in the property, whether in possession, reversion or remainder, may redeem the same on the terms and conditions prescribed in section nine, at any time within two years from the time the purchaser enters upon or obtains possession of the property; and if such owner or mortgagee is an infant or person *non compos mentis*, shall be allowed two years after the removal of such disability in which to redeem. Certificate to purchaser.

SEC. 13. That all the provisions of this act shall apply to taxes past due, whether assessed or not, at the time of the approval of this act, as well as to taxes to become due in the future.

Approved February 17, 1885.

No. 429.]

AN ACT

[H. B. 905.]

To define the police jurisdiction of Selma, a municipal corporation in this State.

Defining po-  
lice jurisdic-ti'n  
of Selma.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the police power and jurisdiction of said municipality shall extend, and the authorities shall have and exercise the same one-half mile in all directions from the present corporate limits of said city as well as in said limits; *Provided,* that nothing in this act shall be held to authorize the sale of vinous, spirituous or malt liquors in said territory of one-half mile.

Approved February 17, 1885.

No. 430.]

AN ACT

[H. B. 501.]

To prohibit stock from running at large in beats number four, five and six, and the southern part of beats number one and three, and the western part of beat number seven in Macon county, Alabama, and to provide for the establishment of districts in other parts of said county, in which stock shall not be permitted to run at large. .

Stock law in  
Macon co.

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act, it shall not be lawful for any horse, mule, ass, cow or cattle of any kind, hog, sheep or goat to be allowed to run at large or go uncontrolled in Warrior Stand beat number four, Cotton Valley beat number five, Honey Cut beat number six; or in that part of Tuskegee beat number one and Society Hill beat number three, lying east and south of the following lines: Beginning at the northwest corner of Cotton Valley beat on the range line dividing ranges 22 and 23 and running thence due north along said line until it reaches the public road leading from Columbus, Ga., through Tuskegee to Montgomery, thence eastwardly along the south side of said road to the point where the north line of township sixteen crosses said road, thence east along said township line until it reaches said Columbus and Montgomery road east of Tus-

kegee, thence eastwardly along the south side of said public road until it reaches the boundary line of Russell and Macon counties; or in that part of Cross Keys beat number seven, lying within the following boundaries: Commencing at the point on the south line of section 33, township 16, range 21, where Line creek crosses said line, and running thence due east on said township line until it reaches the middle point of the south line of section 36 in said township and range, thence due north until it reaches the middle point of the southern boundary line of section 12 in said township and range, thence due west until it reaches the southeast corner of section 11 in said township and range, thence due north until it reaches the southeast corner of the northeast quarter of the northeast quarter of said section 11, thence due west to the line that divides said section 11 north and south, thence due north to the Tallapoosa river, thence along the south bank of said river to the mouth of Line creek, thence along the east bank of said creek to the place of beginning. And it shall also be unlawful for any animal described in this section to be allowed to run at large or go uncontrolled in any district in said county that may be established as a stock law district in accordance with the provisions of sections 10, 11 and 12 of this act; *Provided*, Proviso. the provisions of this act shall not apply to or affect stock belonging to any section in said county that is not a stock law district, except as set forth in section 6 of this act.

SEC. 2. *Be it further enacted*, That whenever any damage shall be done to any land, crops, fruit trees, shrubbery or other property in the district above described, by any animal designated in the foregoing section, running at large in said district in violation of any of the provisions of this act, the person whose property has been damaged may bring suit for such damages against the owner or custodian or manager of such animal, and on the trial may recover judgment for such amount as the court or jury trying said cause shall ascertain he has been injured; and such judgment, for the amount thereof and costs, shall be a lien upon the stock doing the damage as aforesaid, and also upon the other personal property of the defendant, which lien may be enforced by execution on said judgment, and shall be superior to all liens created subsequent to the commencement of said suit; *Provided*, Liability for damage.

that suits under this section shall be commenced within ninety days after said damage was done.

**Right to take up animal running at large.**

**Fees.**

**SEC. 3.** *Be it further enacted,* That any person who is the owner or who is in possession and control of any land in said district, shall have the right to take possession of any animal running at large or uncontrolled in violation of this act on his premises; and the person taking up such animal shall, within twenty-four hours hereafter, notify the owner or custodian, or manager thereof personally, or by leaving a written notice at his residence of the fact of such taking up and describing in said notice the animal so taken up; and such owner or such other person, as the case may be, shall be entitled to the possession of said animal upon paying the following fees to the person taking up said animal, viz: For each horse, mule or ass, fifty cents; for each hog, cow or animal of the cow kind, goat or sheep, twenty-five cents, and for keeping said animals and supplying them with a sufficiency of water and proper food, one-half of said amounts respectively for each animal each day it is kept, which said fees shall be a lien upon the animal taken up; and the owner, custodian or manager of such animal shall also pay such damage as it may have committed upon the property of the person taking it up, and failing so to do may be sued as provided in this act. If the owner or custodian, or manager of such animal is unknown, the person taking it up shall carry it before a justice of the peace and proceed to estray the same as now provided by the general laws of this State.

**Complaint of person injured.**

**SEC. 4.** *Be it further enacted,* That any owner, custodian or manager of any animal prohibited from running at large in said district, who shall allow such animal to go at large or uncontrolled in said district, shall, on conviction, be fined not less than twice the amount of the damages committed by said animal upon property in said district, or any district subject to the provisions of this act, one-half of which fine shall go to the person injured. No prosecution shall be had under this section, except upon the complaint of the person injured, or his agent. If judgment was recovered in a civil suit for damages committed by said animal and was satisfied, or if the amount of said damages was agreed upon and paid or tendered, before said prosecution was commenced, then no conviction can be had under this section, and the

costs of the prosecution under this section may, in the discretion of the court, be imposed on the prosecutor; but if said judgment was satisfied, or the amount of said damage was agreed upon and paid, or tendered, after said prosecution was commenced, evidence of such payment or tender may be received by the court in extenuation of the fine required to be imposed under this section.

SEC. 5. *Be it further enacted*, That any person who shall break any enclosure in or around said district, or any part thereof, for the purpose of setting at large any animal confined therein, or the purpose of allowing any animal not confined therein to enter said district and go at large therein; or any person who shall break any enclosure, the property of another, in said district, that is kept or used for confining any animal therein, must, on conviction, be fined not more than one hundred dollars. Breaking in-  
closure.

SEC. 6. *Be it further enacted*, That any person who shall drive any animal named in this act into said district, and shall set said animal at large therein, shall, on conviction, be fined not less than twenty nor more than one hundred dollars. Driving animal  
into district.

SEC. 7. *Be it further enacted*, That any person who intentionally causes any animal named in this act to break away from the herder, guard or tether of such animal in said district, or who shall break the tether of any animal in said district for the purpose of setting it at large therein, must, on conviction, be fined not less than twenty nor more than one hundred dollars. Causing anim'l  
to break away  
from herder.

SEC. 8. *Be it further enacted*, That justices of the peace, and notaries public with jurisdiction of justices of the peace, in said county, shall have jurisdiction, concurrently with the Circuit and County Court of said county, of all offenses named in this act, and they are empowered upon conviction of any one before either of them of any of said offenses, to sentence the defendant to hard labor for the county at a rate not exceeding forty cents per day, to pay the fine and costs of such conviction, unless the defendant, upon conviction, shall confess judgment with sufficient security for said fine and costs; and such justice or notary, upon such confessed judgment, may issue execution in favor of the State of Alabama as in civil cases before them; *Provided*, that the defendant shall have the right of appeal to the County Court of Jurisdiction of  
justices of the  
peace. Party guilty  
sentenced to  
hard labor.

said county from said judgment of conviction, upon the same conditions as now provided by law for appeals from justice courts in criminal cases to said County Court.

Jurisdiction of  
circuit court.

SEC. 9. *Be it further enacted*, That the Circuit Court shall have jurisdiction of all civil actions under this act where the amount claimed is over one hundred dollars, but if the amount claimed does not exceed one hundred dollars, justices of the peace and notaries public with jurisdiction of justice of the peace shall have jurisdiction, and from any judgment rendered before a justice of the peace or notary public in such civil case, an appeal may be taken upon the same terms and conditions as are prescribed by law in other civil cases tried before them.

Stock law dis-  
tricts oth'r than  
those defined.

SEC. 10. *Be it further enacted*, That stock law districts, other than those defined in the first sentence of the first section of this act, may be established in said county whenever ten freeholders in any beat in said county shall file with the probate judge of the county a petition for that purpose, which petition shall fully describe the district sought to be established as a stock law district, and shall set forth the fact that the petitioners are residents thereof. It shall be the duty of the probate judge thereupon to endorse upon said petition the date of the filing thereof, and record the same in a book to be kept by him in his office for that purpose.

Probate judge  
to order elec-  
tion.

SEC. 11. *Be it further enacted*, That the probate judge, upon the filing of said petition, shall order an election to be held in the district designated in said petition, at some place in said district to be named by him; and he shall appoint in said order a day, not less than thirty nor more than fifty from the filing of said petition, for holding said election; and said order shall be entered on the record-book of said petition. He shall thereupon advertise said election for three successive weeks in some newspaper published in said county, and by written notices posted at three public places in said district, or, if no newspaper is published in said county, by notices as above required; which notices and advertisement shall state the time and place of holding said election, and describe the district referred to in said petition; and on said election day the voters of said district may, by ballot, vote upon said petition as hereinafter prescribed.

Time & place.

SEC. 12. *Be it further enacted*, That the probate judge shall appoint three inspectors to hold said election

who, before they enter upon their duties, shall each take an oath that they will conduct said election fairly, which oath may be administered by either of them or by a justice of the peace, and said inspectors, by the hour of 9 o'clock a. m., on the day of the election at the place of holding the same, shall open the polls that the voters of said district may vote upon said petition; and if there are not two of said inspectors present at said hour to open the polls, or if being present they decline to act, then any two electors of said district may act as inspectors and qualify as such by taking the oath herein named, and open said polls and have said election. Said inspectors shall keep said polls open until the hour of 4 o'clock p. m. of that day; and they shall keep a list of the voters voting at said election, and at said hour of 4 o'clock they shall close the polls and proceed to count the votes cast upon said petition; and when said count is finished they shall make a certificate in writing, which shall state the number of votes cast "for stock law" and the number of votes cast "against stock law," which certificate, together with the poll list, tally sheet and votes, said inspectors shall place in a box, securely sealed, to be delivered to the probate judge within two days after such election was held, and said probate judge shall at once record the certificate of said inspectors in the book containing the record of said petition. The ballot herein provided for, shall be a piece of paper containing the words "for stock law" or "against stock law," accordingly as the voter is for or against said petition.

Mode of voting  
for or against.

SEC. 13. *Be it further enacted*, That if a majority of the votes cast at such election be "for stock law," then, after the expiration of thirty days from the date of said election, the district described in said petition shall be a stock law district and shall be subjected to, regulated, controlled and governed by the provisions of this act; but if a majority of said votes be "against stock law," then said petition shall be defeated and no other election shall be held upon any other petition as to said district or any material part thereof until one year thereafter.

Result.

SEC. 14. *Be it further enacted*, That the fees of the probate judge for services rendered under sections 10, 11, 12 of this act shall be five dollars, which, with the printer's fee for advertising, shall be taxed against the peti-

tioners referred to in section 10, and collected by execution to be issued by said judge.

SEC. 15. *Be it further enacted*, That all laws or parts of laws as a general or local character, inconsistent with the provisions of this act, are hereby repealed.

Approved February 5, 1885.

No. 431.]

AN ACT

[H. B. 984.

To authorize the mayor and aldermen of the city of Huntsville to issue negotiable bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and aldermen of the city of Huntsville be, and they are hereby authorized to make and issue the negotiable bonds of said city for the amount of six thousand dollars; the said bonds to be issued for a sum of not less than one hundred nor more than one thousand dollars each, payable at the expiration of thirty years to bearer, or to the order of any person or corporation to whom the same is negotiated by said mayor and aldermen, at such bank or banking house or at the office of the treasurer of said city, in said city, as may be chosen by said city. Said bonds shall bear an annual interest of six per cent., payable semi-annually, and for the payment thereof coupons shall be attached to said bonds. The said bonds and coupons must be signed by the mayor of said city and countersigned by the clerk of the board of mayor and aldermen, and must be numbered according to the order in which they are issued; and said bonds cannot be negotiated by said city for less than the principal sum of each bond.

City of Huntsville may issue bonds.

Bonds signed by mayor and clerk.

SEC. 2. *Be it further enacted*, That all moneys derived from the negotiation of said bonds shall be applied by said mayor and aldermen to no other use or purpose than to the enlargement and improvement of the property of said city known as the "water works;" and to secure the payment of the principal and interest of said bonds, said mayor and aldermen are empowered to pledge or mortgage the said "water works" and the income arising therefrom by any form of security deemed proper; *Provided*, that this act shall not take effect unless rati-

Applied to improvement of water works.

fied by a majority of the voters voting at the next municipal election in said city; at said election those voters favoring this act shall have written or printed on their ballots "for issuing the bonds" and those opposing said act shall have written or printed on their ballots "against issuing the bonds;" and said bonds shall not be issued unless a majority of the votes cast at said election are for issuing said bonds, and the result of the election shall be ascertained in the same manner, then the officers holding said municipal election ascertain and certify the result thereof. Notice of the election under this act must be given in the same manner and for the same length of time, then notice is given of said municipal election.

Must be ratifi'd  
by a majority  
of voters.

Mode of vot-  
ing.

Notice of elec-  
tion.

Approved, February 17, 1885.

No. 432.]

AN ACT

[H. B. 981.

To repair and improve the public roads and bridges in the county of Lee, and to provide a fund therefor.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Court of County Commissioners of Lee county, are authorized to use one-half of the net amount derived from the fine and forfeiture fund in said county to repair and improve the public roads and bridges in said county; *Provided,* that all claims that are now registered against and are payable out of the fine and forfeiture fund of said county, shall be first paid.

Improve roads  
and bridges in  
Lee county.

Approved February 17, 1885.

No. 433.]

AN ACT

[H. B. 978.]

To amend section 2, and to repeal sections 5 and 6 of an act entitled an act to empower the Court of County Commissioners of Hale county to extend the limits of the Canebrake Agricultural District in said county, or to establish new and separate agricultural districts in said county, upon petition of a majority of the land owners in any beat or district to be affected thereby, approved February 23d, 1883.

To extend the limits of Canebrake Agricultural district in Hale county.

File petition with probate judge.

When to take effect.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2 of said act be amended so as to read as follows: That whenever any ten freeholders petition said court, in writing, stating that they desire an order to be made to extend the limits of the Canebrake Agricultural District, or to establish a new and separate agricultural district, stating that such petitioners reside in the territory over which said agricultural district is sought to be established or in which such new and separate district is sought to be established, and shall file such petition with the probate judge at least thirty (30) days before the term of Commissioners Court next thereafter to be held; he must cause notice of such petition to be posted at the court house door, and copies thereof to be posted in three public places in the district described in the application or petition, and shall publish notice of said application for three consecutive weeks in some newspaper published in said county of Hale, of the day of hearing such application.

SEC. 2. *Be it further enacted,* That the last paragraph of section 2 of said act be amended so as to read as follows, to-wit: "If an order is made granting said petition, it shall be made to take effect on such day thereafter as said Commissioners Court may determine.

SEC. 3. *Be it further enacted,* That section 5 and section 6 be and the same are hereby repealed.

Approved February 17, 1885.

No. 434.]

AN ACT

[H. B. 975.]

An act to incorporate the city of Sheffield, in the county of Colbert.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city of Sheffield, in the county of Colbert, shall include in its corporate limits those portions of sections twenty-eight and thirty-three, in township three, range eleven, embraced within the following boundary lines, to-wit: Commencing eighteen hundred feet south of the northwest corner of said section, thirty-three, thence north to the north side of Sixth street, thence east along the north side of Sixth street to Austin avenue, thence north along the east side of said avenue to Alabama avenue, thence northwesterly along the southwesterly side of Alabama avenue to a point on a line with the northwest side of the extension of Tenth street, thence northeasterly along said northwest side of said extension to the north side of Tenth street, thence east along said north side to the west side of Montgomery avenue, thence north along the west side of Montgomery avenue about one thousand feet to its intersection with a circular avenue, thence along the outward side of said circular avenue to the north side of Gordon avenue, thence eastwardly along the north side of Gordon avenue and southwardly along the east side of Gordon avenue to Thirteenth street, thence east along the north side of Thirteenth street to a point in a line with the east side of Dover avenue, thence south along the east side of Dover avenue to the north side of Sixth street, thence east along the north side of Sixth street to the line of section twenty-seven, thence south to a point eighteen hundred feet south of said section, thence west to the point of beginning. For said streets and avenues, reference is hereby made to a map of the city of Sheffield by Charles Boeckh, C. E., on file in the office of the judge of probate of Colbert county. And the inhabitants thereof shall be a body corporate by the name and style of the city of Sheffield, and the mayor and aldermen of said city shall be styled the city council of Sheffield, and by that name for said city of Sheffield may sue and be sued, contract and be contracted with, receive and grant, and do all other acts as natural persons in respect to the powers herein granted, may purchase

Corporate limits.

and otherwise acquire and hold real, personal and mixed property, and dispose of the same for the use and benefit of the city, and may have and use a city seal and the same change and alter at pleasure.

Property sub-  
ject to taxation

SEC. 2. *Be it further enacted*, That the real property in said corporate limits shall be subject to taxation by said city for the year 1885, and personal property for the balance of said year from the time it may in said limits, to be taxed pro rata to the time.

Police jurisdic-  
tion.

SEC. 3. *Be it further enacted*, That said city council shall have police jurisdiction of the territory in said corporate limits, and within two miles thereof, but not including any part of the corporate limits of Tusculumbia or Florence. The territory outside of said corporate limits, embraced within said police jurisdiction, shall be known as the police limits of said city. No spirituous, malt, vinous or intoxicating liquors shall be sold or given away in said police limits; *Provided*, that wine from grapes grown in said limits, made by the growers of said grapes, may be sold by said growers in quantities not less than one gallon. Persons violating any of the ordinances of said city within said police limits shall be guilty of a misdemeanor and liable to the same punishment by said corporate authorities as for the violation of said ordinances within the corporate limits.

City school  
district.

SEC. 4. *Be it further enacted*, That the school district of said city shall consist of the following sections and parts of sections in township three, range eleven, to-wit: Sections twenty-eight and thirty-three, the southwest quarter of section twenty-two, the west half of sections twenty-seven and thirty-four, and all of sections twenty-nine and thirty-two south of the Tennessee river, except that part of section thirty-two west of Spring creek, and that portion of the school district outside of the corporate limits shall be known as the school limits of said city.

Patrol duty.

SEC. 5. *Be it further enacted*, That all male citizens and residents of the police limits, over eighteen and under forty-five years of age, shall be liable to patrol duty, and to serve as guard or watch, at such times and in such manner as may be prescribed by the city council.

Government to  
consist of.

SEC. 6. *Be it further enacted*, That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and eight aldermen (two alder-

men from each ward); *Provided*, that on or after the first Tuesday in May, 1887, no person shall be eligible to or shall hold the office of mayor except a qualified voter of said city, who has resided therein one year next preceding the election, and no person shall be eligible to or shall hold the office of alderman except a qualified voter of said city who has resided therein one year next preceding the election, and who shall be a householder in said city, and a resident and qualified voter of his ward.

SEC. 7. *Be it further enacted*, That the governor of Alabama be and is hereby authorized and empowered to appoint a mayor and eight aldermen for the government of said city, who shall hold their offices until the first election for mayor and aldermen hereinafter provided for, and until their successors are elected and qualified, and the city council so appointed shall fill all vacancies in the offices of mayor and aldermen occurring from death, resignation or other cause. Before the first day of October, 1886, they shall divide the city into four wards. The governor shall make the appointments from among persons residing or doing business in said city, and from among persons who may have *bona fide* expressed their intention to reside in said city, either or both.

Governor to  
appoint mayor  
and aldermen.

SEC. 8. *Be it further enacted*, That an election shall be held on the first Tuesday in May, 1887, and on the first Tuesday in May, biennially, thereafter, for a mayor, whose term of office shall commence at the expiration of the term of his predecessor, and shall continue for two years, and until his successor is duly elected and qualified.

Election to be  
held for mayor

SEC. 9. *Be it further enacted*, That an election shall be held on the first Tuesday in May, 1887, for eight aldermen, two aldermen from each ward. The term of office of one of said aldermen for each ward, elected at said election, shall commence at the expiration of the term of his predecessor, and shall continue for four years, and until his successor is elected and qualified, and the term of office of the other alderman for each ward, elected at said election, shall commence at the expiration of the term of his predecessor, and shall continue for two years, and until his successor is elected and qualified, and biennially thereafter, on the first Tuesday in May, one alderman shall be elected for each ward, whose term of office shall commence at the expiration of the term of office of his predecessor, and shall continue for a term of four

For aldermen.

years, and until his successor is elected and qualified. The elections for mayor and aldermen shall be held together, as one election, and shall be by ballot, each qualified voter casting a single ballot for mayor and aldermen. The ballots cast at the election for mayor and aldermen at said election, on the first Tuesday in May, 1887, shall designate which of said aldermen is balloted for for the term of four years, and which for the term of two years.

Qualifications  
of elector.

Provision in  
case of failure  
to elect.

SEC. 10. *Be it further enacted*, That no person shall be qualified to vote at said elections except the male inhabitants of said city of and over the age of twenty-one years, who have resided in said city five months, in the ward in which they propose to vote three months, and in the State for twelve months next preceding such election, and are qualified electors under the general election laws of the State, and are registered as hereinafter provided. The polls shall be opened between the hours of eight and nine o'clock a. m. and be closed at five o'clock p. m. Should the election not take place on the day fixed for the biennial election of mayor and aldermen, the corporation shall not, for that cause, be dissolved, but the incumbents shall remain in office till their successors shall be elected and qualified; and it shall be the duty of the city council to fix some day, as early as convenient within one month thereafter, on which day the said election shall be held, and should the city council fail, or neglect to provide for the election, as herein directed, they shall be guilty of a misdemeanor; and should a vacancy occur in the city council by the death, resignation or removal from the city, or the ward for which he was elected, or from any other cause, except on a contest of election, as now provided by law, the remaining members of the city council shall fill the vacancy at their next regular meeting, after such vacancy occurs. The mayor, aldermen, clerk, treasurer and police force of said city shall be exempt from jury duty.

Election con-  
ducted accord-  
ing to law.

SEC. 11. *Be it further enacted*, That said election shall be conducted according to the law governing elections for officers under the laws of this State, except as declared in this act; but no person shall be entitled to vote at said elections in said city unless he possesses the qualifications mentioned in the seventh article of the constitution of this State, and shall have resided in said city three months, and in the ward in which he proposes

to vote one month, and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of election, at the polling place of said ward, the original certificate of such registration hereinafter provided.

SEC. 12. *Be it further enacted*, That at said election there shall be one polling place in each ward, and it shall be the duty of the mayor and city clerk to provide for the opening of said polls, and to give ten days notice by publication in two newspapers of said city representing different political parties, if such exist, of the time and place of holding such elections, and the names of the inspectors of election for each polling place. The said city council shall appoint the said inspectors, who shall perform the duty of returning officers. The number of said inspectors so appointed shall be three for each polling place in said city, one of whom shall be a member of each political party, if practicable, and said inspectors shall be qualified electors at said election.

Notice by publication.

SEC. 13. *Be it further enacted*, That at least ten days before the first Monday in April next preceding each election, it shall be the duty of the city council to appoint one person for each place of registration to act as registrar of voters, the place of registration in each ward to be appointed by the city council; said registrars shall, respectively, commence registration on the first Monday in April next preceding the election, and shall continue the same for six consecutive days, from nine o'clock a. m. to five o'clock p. m. of each day, at which time said registration shall be closed. Each of said registrars shall give at least five days notice, by advertisement in some newspaper published in said city, of his appointment, and of the time and place at which he will attend and make registration of voters, as hereinafter required; and should any of the registrars, so appointed, fail to act, or, from any cause, a vacancy should occur in said appointments, then the city council shall appoint some other party in his stead. Before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge, or sufficient evidence, that such applicant has resided at least three months in the city, and one month in the ward in which he proposes

Registration.

Duty of registrar.

to register and vote, and that he will be legally entitled to vote at the then next ensuing election for municipal officers of said city, according to the requirements of the 10th and 11th sections of this act, and the said registrar, being so satisfied, must thereupon place the name of such applicant upon the registration list, together with his color, age and the ward of his residence, bounding the latter by streets and avenues, and giving such other description as may be easily intelligible. The names of parties registering shall be placed upon said list alphabetically and be numbered in the order of registration, and said registrar must furnish each person so registered a certificate of his registration, giving his name, age, color, ward of his residence and the number of his registration. The right of any person to be registered as a voter may be challenged in the same manner as herein-after provided for the challenging of any person who may claim the right to vote at any municipal election of said city, and in case the registrar is in doubt, and cannot decide for himself, any matter pertaining to his duties as registrar, under this act, then said registrar shall take the advice, upon such matters, of some competent practicing attorney-at-law in said city, to be selected by him. Each of the said registrars shall carefully preserve the original registration list of the voters registered by him, and make, or cause to be made, a correct copy thereof, and certify said original copy over his signature, and immediately after the closing of the registration list shall deliver both said original and said copy to the mayor of said city.

Affidavit of  
registrar.

SEC. 14. *Be it further enacted.* That before entering upon the discharge of his said duties, each of said registrars shall make and subscribe an affidavit before some officer authorized to take affidavits, that he will faithfully and truly perform the duties of registrar, by this act imposed on him, and that he will honestly, without fear, favor, or affection, or prejudice, and without reward, or the hope thereof, cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other person. Said affidavit shall be filed by said registrar in the office of the city clerk. For every wilful violation of their duty, as such registrars,

they shall, on conviction, pay a fine of two hundred dollars for the use of the city of Sheffield.

SEC. 15. *Be it further enacted*, That as soon as practicable, the mayor of said city shall cause at least fifty <sup>Corrected registration lists.</sup> carefully corrected copies of each of said registration lists of the city to be printed, and shall furnish to each of the inspectors of election one printed copy of the registration lists, to be used at such election; one of these printed copies shall be designated and used by each set of inspectors as their official copy, and shall be by them returned with the ballots cast at such election as part of their official returns, as herein directed. It shall be the duty of said mayor, at least fifteen days before said election, to post at or in front of the city hall or postoffice, in said city, one copy of the registration list, the original of said list, and the certified manuscript copies, as received from the registrars, shall, after said printed lists have been prepared, be by the mayor deposited with the city clerk, to be preserved among the records of said city, said original lists to be used however by the inspectors of said election.

SEC. 16. *Be it further enacted*, That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the registration list as being registered in the ward in which he proposes to vote, as furnished by the mayor, and who does not at the time of voting present and surrender to the inspectors of election his certificate of registration, issued to him under the provisions of section 13 of this act, to be by said inspector then and there cancelled, and does not, on demand, make satisfactory proof of his identity with the person whose name may be on said registration list. For the purpose of such election, the printed lists furnished to the inspectors by the mayor, and hereinbefore described as the official lists, shall be taken to be correct, but subject, if error be alleged, to be corrected by comparison with original registration lists for that ward, which, for that purpose, shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line, with red ink, on said official registration list, over the name voted. The said inspectors shall, immediately after the polls are closed, proceed to count the ballots cast at their respective polling places,

Ballots inclosed in box, with poll lists.

and certify the result of the election to the city council of said city. They shall enclose the ballots cast in their respective boxes, with the poll list and registration list of the city for that ward, and the certificates of registration surrendered at the election, together with their said certificates of the result, in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box, with its contents, to the clerk of said city, who shall give to said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him.

Result ascertained.

SEC. 17. *Be it further enacted*, That the said city council of said city, or a majority of them, shall, immediately after the delivery of the boxes, poll lists, and inspectors certificates of the respective polling places, as hereinbefore required, to said clerk, proceed to open the said boxes, and by a footing up of the returns, as made by the inspectors of the several polling places (and by a count of the votes, if deemed necessary by the city council), ascertain which of the candidates have received the highest number of votes for the respective offices, and declare the election, to their respective offices, of the persons possessing the qualifications prescribed by section six of this act, who shall have received the largest number of equal votes for the respective offices to be filled at said election, and shall give certificates of election to their respective offices, to the persons so found to be elected. But in case said city council, or a majority of them, were candidates at said election, then the clerk, the treasurer and the marshal of said city, shall foot up the returns, after being duly sworn to act fairly and honestly in the premises, and declare the result, and issue the certificates of election, as above stated. The said certificates of election, so issued by the said city council, or a majority of them, or by the clerk, treasurer and marshal, shall entitle the persons so certified to the possession of their respective offices, upon taking their respective oaths of office, immediately upon the expiration of the term of office of their predecessors, as fixed by statutes, subject however to contestation of their rights, as is now or may be provided by acts of the General Assembly for judge of probate.

SEC. 18. *Be it further enacted*, That any person offering to vote at any municipal election in the city of Sheffield,

may be challenged by either of the inspectors, or by any qualified elector; and it is the duty of each inspector to challenge any person offering to vote whom he knows or suspects not to be qualified under this act, as an elector. When any person is challenged, if his ballot be not withdrawn, one of the inspectors must tender him the following oath: "You do solemnly swear that you will fully and truly answer all questions that may be put to you touching your qualifications as an elector." The inspectors, or one of them, must then examine him as to his qualifications under this act. When a vote is so challenged, the same must be counted by the inspectors, but such vote must also be deposited in a separate box, and so designated to the city council as a contested vote.

Penalty for illegal voting.

Form of oath.

SEC. 19. *Be it further enacted*, That any person who falsely personates another, and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter, to which he is not entitled, or attempts by such false personation of another, to obtain such registration, or after having once voted at such election votes a second time, or attempts to vote a second time, whether in the same ward or another, or shall vote at such election, when not entitled to do so, or shall falsely cause his name to be registered as a person entitled to vote when he is not entitled, or shall falsely attempt to do so, or, after having once obtained registration in any ward, shall cause himself to be registered a second time, or attempt to obtain a second registration whether in the same or another name, or whether in the same or another ward, or shall aid or assist another not entitled, knowing him not to be entitled to vote or to obtain registration as a voter, or shall wilfully give a false answer to any question put to him by any inspector or registrar, shall be guilty of felony, and on conviction shall be punished by imprisonment in the penitentiary, or hard labor for the county, for the space of not less than six months, nor more than one year.

Guilty of a felony.

SEC. 20. *Be it further enacted*, That the ballots cast at any election held under this act shall, after the same are counted, if the city council deem it necessary to count them, be sealed up by the city council of said city and deposited with the clerk of the Circuit Court of Colbert county, Alabama, who shall preserve the same for twenty days after the election is declared, and then if there is no

Ballot box deposited with the clerk of circuit court.

contest the said clerk shall destroy the same; but in the event of a contest, the same shall be delivered to the judge trying the same.

SEC. 21. *Be it further enacted*, That any election held under this act, may be contested in the same manner as is or may be provided by the laws of this State for the contest of the election of judge of probate, and shall, so far as applicable, apply to the contest of elections held under this act.

Corporate  
business.

SEC. 22. *Be it further enacted*, That a majority of the city council shall be required to transact any corporate business, but any number, not less than three, may assemble at their regular place of meeting, and adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the city council may prescribe, that the city council may determine the rules of its proceedings; and may fine its members for absence or disorderly behavior. In the absence of the mayor at any meeting of the city council, the members present may select a presiding officer, and in case of sickness or temporary absence from the city, or inability to serve from any other good cause, he may appoint any one of the aldermen to act as mayor during such sickness or absence or inability, and such mayor *pro tempore* shall have all the powers of the mayor and shall perform all the duties of the same.

Mayor to pre-  
side at meet-  
ings.

SEC. 23. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at the meetings of the city council; he shall call special meetings of the city council whenever, in his opinion, the interest of the city requires it, he shall keep an office in said city and hear and determine all cases of violation of all by-laws, or ordinances, or charter of said city, and punish the offenders in such manner as the city council may direct; he shall receive such fees and salary as may be prescribed by the city council, and the mayor shall possess within the corporate and police limits of said city all the powers and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; *Provided*, that he shall not be required to take jurisdiction, try or determine any cause, civil or criminal as ex-officio justice of the peace that has not already come before him as mayor of said city. From any judgment

or decision of said mayor as such, an appeal may be taken by the defendant to the next term of the Circuit Court of Colbert county, upon the defendants entering into bond, payable to the city council of Sheffield, with two good securities for such sum as the mayor may require, not less than twice the amount of the fines and costs, conditioned to prosecute such appeal to effect and to pay and discharge such judgment as the Circuit Court may render; *Provided*, that such appeal be taken and fully forfeited within five days from the rendition of such judgment by the mayor. The said appeal when so taken, shall stand for trial at the first term of the Circuit Court of Colbert county, and shall then be tried and determined *de novo* unless some good cause be shown for a continuance. The mayor shall have jurisdiction of all proceedings by motion *scire facias* or other writ instituted for the collection of any penal bond, payable to said city council of Sheffield taken under this act, or under the ordinances of said city passed in pursuance of this act, and from his judgment rendered in such proceeding execution thereon may issue and be enforced as executions from justices court. The said mayor shall have the right, when the good or safety of the city may require it, to call upon or require the aid of the sheriff of Colbert county for the protection of said city; he may punish any contempt while holding court or while the city council are in session by fine not exceeding twenty-five dollars and by imprisonment for not longer than five days, one or both; he shall at least once in every six months make a statement to the city council, in writing, of the financial condition of the city, which statement shall be published in at least one of the papers published in the city; he shall have the power to suspend the marshal or any policeman till the next meeting of the city council, and report to said meeting the fact of such suspension and the cause thereof; he shall do and perform such other duties as the city council may require.

Appeal from  
mayor.

Jurisdiction of  
mayor.

SEC. 24. *Be it further enacted*, That the city police force shall consist of a marshal and such subordinate officers and policemen as the city council may by ordinance from time to time prescribe; all the members of the police force shall be removable by the city council for good cause, at any time. The marshal shall be nominated by the mayor and confirmed by the city council.

Appointment  
of marshal and  
police.

The other members of the police force shall be appointed by the marshal, subject to approval by the mayor. The marshal shall be appointed for one term or until the first municipal election following his appointment, and other members of the police force shall be appointed for two terms or until the second municipal election following their respective appointments and until their successors are appointed, confirmed and qualified; *Provided*, that when the entire force consists of six and not more than fourteen, the city council shall arrange by ordinance for the terms of one-half, as near as may be, to expire at every alternate municipal election, and when the entire force consists of fifteen or more men, the city council shall arrange, by ordinance, for the terms of one-third, as nearly as may be, to expire at each municipal election; *Provided further*, that any member of the police force, who may at any municipal election or prior thereto, electioneer in favor of any candidate for mayor or aldermen or do anything to promote the election of such candidate, except by casting his vote at such election, shall forthwith be discharged from the force, and shall not be elected or appointed to any position in the service or employment of the city during the term following such election.

City council to  
appoint clerk,  
treasurer, &c.

SEC. 25. *Be it further enacted*, That the city council may appoint a city clerk, city treasurer, and such other officers, agents and employees (police force excepted) as they may see fit and think necessary for the good government of said city, and to carry out the powers herein granted, and may prescribe the duties, liabilities and powers of such officers, agents and employees, and may require them to give bond in such sums as they see fit for the faithful discharge of their duties, and may remove and discharge any of the officers, agents and employees appointed by them, at pleasure, and the marshal and other members of the police force for good cause, and fix the salaries and compensation of all officers, agents and employees of said city; *Provided*, that if the treasurer is an officer or employee of any bank or banker, he shall not receive any salary or other compensation for his services as treasurer; *Provided further*, that the aldermen shall not receive any salary or other compensation for their services to the city. For any breach of the bond of any city officer, agent or employee, suit may be brought in the Circuit Court of Colbert county, Alabama, or be-

Aldermen not  
to receive sal-  
ary.

fore any court having jurisdiction, and such suits shall be governed in the same manner as other like suits. The city shall keep a regular record of all proceedings, orders, regulations, resolutions and ordinances of the city council, which shall be read to the city council and signed by the mayor or acting mayor when approved by the city council, and the same shall have the force and effect of a record, and a copy thereof, certified by the clerk, shall be *prima facie* evidence in any court of record or elsewhere, and said record shall at all times be open for inspection.

SEC. 26. *Be it further enacted*, That when the marshal or any member of the police force of said city shall have good reason to believe that an offense has been committed against the laws of the State, or the ordinances of said city council, or that any fugitive from justice from another State is in said city or its neighborhood, and shall also have good reason to believe that the offender against the said laws or ordinances, or such fugitive from justice may make his escape unless immediately arrested, such officer shall be authorized forthwith to arrest such offender or fugitive from justice without any warrant issued therefor, and either in said city or in its neighborhood, but in all such cases of arrest the officer making the same shall immediately take the prisoner before a justice of the peace or other officer having power to investigate the charge, and make complaint to him of the offense charged against the prisoner, and such justice or other officer shall take jurisdiction of the case and proceed as in other cases when a complaint is made of a violation of law, and in all cases of arrest, as above provided, if any officer is indicted or complained of to the mayor or city council for a breach of the peace or other offense, he shall have the right, on his trial, to be examined as a witness and give evidence of the reasons which induced him to make such arrest.

Marshal may arrest with or without warrant.

SEC. 27. *Be it further enacted*, That said city council shall have full and complete power:

1. To make, adopt and declare motions, resolutions, by-laws and ordinances in whatever manner, and upon whatever subject they see fit to carry out the power herein granted, and for the good government and order of said city, and to affix thereto such penalties for violation of the same, by fine, not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding

City council to make & adopt by-laws and ordinances.

- thirty days, one or both; and all persons convicted for breach of any by-laws or ordinances failing to pay or secure such fine, may be imprisoned for such failure, or placed to hard labor for the city until such fine and costs are paid, in such manner and for such time as the city council may direct, not longer than one hundred days.
2. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said corporate and police limits; to establish and regulate an efficient quarantine within said city and to punish any breach of quarantine laws; and to prescribe the duties and fix the salaries and compensation of all such health officials, as they deem necessary under the existing health laws of the the State.
3. To prevent and remove all nuisances at the expense of the person causing same, or upon whose premises the same may be found; to regulate or prohibit privies, and privy or water-closet sinks and wells.
4. To establish, set up, and regulate hospitals and poor houses, work houses and houses of correction.
5. To license, tax, regulate or restrain theatrical or other amusements, and the selling, retailing or giving away of vinous, malt, or intoxicating liquors. Each kind of license may be graduated on such basis as the city council may deem proper.
6. To restrain or prohibit gambling houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots and all unlawful assemblies, and public indecencies, and to restrain chicken fighting, and all games and sports of an immoral character.
7. To regulate night and day watchmen, police, patrol and captains thereof.
8. To divide the city into wards and to regulate and change the same.
9. To establish, regulate and control markets and market houses, and to pass by-laws and ordinances regulating the sale of meats, vegetables or other like articles, within certain places and within certain hours.
10. To sink, repair and regulate public wells and cisterns; to establish and regulate fire plugs and public hydrants, and to make all needful provisions for the supply of the city with water, gas and gas-lights, or other lights, and to control street lamps.
11. To establish streets, avenues and alleys, and regu-

Contagious  
diseases.

Nuisances.

Theatres. &c.

Prohibit gam-  
bling.

Watchmen.

Regulate pub-  
lic wells.

late and control the paving, cleaning, repairing and curbing of streets and sidewalks, and giving the grades thereof; set out trees in streets, alleys and parks, and prescribe penalties for injuring same. To establish streets.

12. To establish and build drains, sewers, aqueducts and reservoirs, and to regulate the same; and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect of such owner, or person in charge of said lot or property, by fine and imprisonment, one or both. Drains.

13. To establish, lay out and improve public parks, and to regulate the same. Parks.

14. To establish, regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: one by the owner of the property and one by the mayor of the city. In case of a failure to agree, the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final; to regulate and control the location and building of powder magazines within three miles of said city, but not in the corporate limits of Tusculumbia or Florence, with power to remove any already in use that may be, in the opinion of the city council unsafe, paying the owner a reasonable price for such building. Fire limits

15. To lay out, regulate, improve and control city cemeteries and burial grounds, and to sell burial lots in the same. City cemet'ries

16. To prevent the running at large, on the streets, of all cows, hogs, dogs or other animals, and to pass all laws deemed necessary by the city council for the sale and impounding of said stock. Stock running at large.

17. To establish, regulate and control free white public schools, and free colored public schools, in said corporate and school limits, either or both; to pay the teachers thereof, and to organize and establish such schools, in connection with other schools established or organized under direction of the board of education of this State, on such terms as may be agreed upon by them or independently of said board of education; *Provided,* Public schools.

that no more than one-tenth of the gross general revenue of said city, exclusive of revenue from licenses for the sale of spirituous, malt, vinous or intoxicating liquors, may be so expended ; *Provided further*, that all revenue from licenses for the sale of spirituous, malt, vinous or intoxicating liquors, shall be used and applied exclusively to the support of the public schools ; *Provided further*, that said city council may levy, assess and collect a tax in such manner and to such amount as is not inconsistent with the constitution of the State, on all real and personal property in said city, for the support of the public schools ; *Provided further*, that they may prescribe the terms upon which the children of non-residents of said corporate and school limits may be admitted to said schools ; *Provided further*, that all children living in the township or parts of townships in which the city of Sheffield is located, and outside of the corporate and school limits of said city, shall be privileged to attend the public schools within the limits of said city upon such terms as may be agreed upon between the superintendent of education of Colbert county and the authorities of said city.

Running cars  
or locomotives.

18. To regulate and control the running of cars or locomotives upon or across the streets, avenues or alleys of said city, and to regulate and control the speed of such cars, engines or trains within the corporate and police limits of said city.

Arrest with or  
without war-  
rant.

19. To pass all laws necessary and proper for the arrest, with or without warrants, of any person against whom there is a charge made of violating any city or State law, and to confine such person until duly discharged by law ; to pass all laws needful for the issuance and execution of search warrants.

Vagrants and  
paupers.

20. To make and ordain all laws necessary concerning idlers, paupers, vagrants, and disorderly or vicious persons, and correcting or restraining their vicious habits ; and all persons convicted of a breach of the by-laws and ordinances of said city, failing to pay such fine and costs that may be imposed by the mayor or acting mayor, may be placed at hard labor for the city, or imprisoned, until such fine and costs are paid ; and in case any person put to hard labor for the city fails to work faithfully, he may be tried for such failure by the mayor or acting mayor, and if convicted be punished by fine not exceeding twenty

dollars, and by additional hard labor not exceeding ten days, one or both.

21. To pass by-laws and ordinances in relation to auc- Auctioneers.  
tioneers carrying on their business on the streets and to regulate and prohibit the same; to enact an ordinance or ordinances, to prohibit the wearing of any uniform, adopted for the police force of the city, by any person except those belonging to said police force, under a penalty of fine or imprisonment, or hard labor on the streets, either or any, at the discretion of the city council.

22. To punish all persons who, in any manner, obstruct the marshal, captain of police or any policeman, or other officer, in the arrest of any person in said corporate Obstructing officer in the discharge of duty.  
or police limits, or in the lawful discharge of any of their duties in said corporate or police limits, and for the punishment of any or all persons, who, when called upon to aid in the arrest of any person, shall fail to give such aid or assistance, or who, when summoned to act as patrol, refuse to act; and in all cases, when any person is so called on, and aids such officer as required, such person shall not be liable to indictment or punishment in the courts of the State therefor, nor to punishment by the mayor or council of said city, nor to any damages in any civil action, provided he did no more than was reasonably necessary to affect such arrest.

23. The said city council shall have power to pass To pass inspection laws.  
and establish inspection laws within the city, the weighing and measuring of all building material, and all kinds of produce or provisions for man or beast, and to provide for the inspection and guaging of liquors; inspectors not to be paid by the city or allowed to demand pay for their services, but to be compensated by voluntary payments by parties served; to erect public scale houses with proper scales, weights and measures, and to appoint weighers and measurers, to weigh and measure, in case of disagreement between buyer and seller.

24. To regulate and control the manner of building partition walls and partition fences, and to regulate the keeping, carriage and storage of gun-powder, blasting-powder, and other explosive or dangerous material within said corporate and police limits; to regulate and control the cleaning and sweeping of chimneys, the use of lights, stove-pipes and flues, in all stores, warehouses, To regulate the building of partition walls.

shops, stables, kitchens and other places within said limits.

Grading and  
paving streets.

25. Said city council shall have power to pass by-laws, ordinances and resolutions providing for grading, paving, curbing and keeping in repair the sidewalks, and for planting shade trees on sidewalks, in such manner as shall not be inconsistent with the constitution of the State.

To make con-  
tracts for.

26. Said city council shall have power and authority to contract with any person, or association of persons, or corporation, to grade streets and alleys, to pave streets and alleys, to construct and repair sewers, to light said city and all or any portion of the school limits and buildings used for city purposes, with gas, electric or other lights, one or more; to supply said city with water and regulate the conveyance of water from the vicinity into said city, and generally, to do every matter and thing for the good and welfare of said city not inconsistent with the constitution and laws of this State.

To levy and  
collect taxes.

27. Said city council shall have authority to levy and collect from all persons, firms or corporations trading or carrying on any business, trade or profession, by agent or otherwise, in said corporate limits, a license tax on such business, trade, profession or calling, but mechanics who employ no capital, but conduct their trade solely by their own skill, labor and attention without employees, shall not be subject to payment of license; *Provided*, that no license tax shall exceed the sum of fifty dollars, except license to retail spirituous, malt, vinous or intoxicating liquors, which shall not exceed one thousand dollars, and except license for keeping public billiard tables or other public tables on which games are played, whether a charge is made for playing on such billiard and other tables or not, which license shall not exceed two hundred dollars for each table; general dealers in merchandise, regularly engaged in business in said city, a tax of one-half of one per centum on amount of merchandise on hand on the first day of January of each year, and to assess, levy and collect against general dealers in merchandise who are transient, a tax of one-half of one per centum on the largest amount of merchandise on hand at any one time while engaged in the business; *Provided*, that the tax above provided for shall be in lieu of the *ad valorem* tax of one-half of one per centum here-

Property taxa-  
ble.

inafter authorized to be imposed for general city purposes, on such merchandise; to assess, levy and collect each year taxes on all real and personal property in said city for general purposes; to assess, levy and collect, each year, taxes on all real and personal property in said city, for payment of bonds hereinafter authorized to be issued, and interest thereon, also to assess, levy and collect, each year, taxes on all real and personal property in said city, for the support of public schools, all of said taxes not to exceed in the aggregate the amount allowed by the constitution of Alabama to be levied; *Provided*, that personal property (stocks of merchandise included) not in said city on the first day of January, 1885, or any subsequent year, but brought into said city during the year 1885, or any subsequent year, shall be assessed and taxed *pro rata* for the remainder of said year, from the date it may be brought into said city. The assessments herein mentioned are to be made by the clerk of the city from the State and county assessment books, as assessed for State taxes the preceding year, and it shall be the duty of said city council to associate with the county tax assessor two good and discreet citizens of the city, who shall assist the said county tax assessor in assessing the property of said city; *Provided*, that in case any property has escaped taxation in previous years said clerk shall assess the same, to be collected as other taxes are collected; and *Provided further*, that if there was any property in the city on the first day of January of the then current year, which was not in the city on the first day of January of the preceding year, or if there were any improvements on the first day of January of the then current year erected on property materially enhancing the value of such property, which said improvements had not been erected on the first day of January of the preceding year, and consequently not assessed for State taxation during the preceding year, then it shall be lawful for the clerk of the city council, and it shall be his duty to assess such property or improvements at a fair valuation, which said valuation shall be added to the valuation as assessed for State taxes for the preceding year, and the taxes so assessed shall be collected as other assessments are collected; *Provided* <sup>Exempts.</sup> *further*, that all real and personal property used exclusively for manufacturing purposes shall be exempt from

taxation by said city until after the expiration of ten years from the approval of this act; but this exemption shall not apply to any of the property of persons, companies or corporations, directly or indirectly interested in what are commonly known as "commissary stores," or allowing any such stores to be located on their premises; *Provided further*, that all property used exclusively for charitable, educational and religious purposes or either of them, and all property of water works used for the supply of water to said city and its inhabitants, and all public parks, shall be exempt from taxation by said city.

Prior lien.

SEC. 28. *Be it further enacted*, That the city of Sheffield shall have a prior lien upon all real and personal estate assessed for taxes over and above all other liens that may exist thereupon, except those of the State and county, and upon all sales made under and by virtue of such assessment, the tax collector of said city shall, by a deed, convey to the purchaser at such sale or sales, a title superior in the order of priority of liens to that of any liens then existing, save those of the State; *Provided*, that when a tax is assessed upon property, the owners of which are not known, sixty days notice of the sale specifying the property and amount of tax, shall be given in some newspaper in said city before the sale; and *Provided further*, that no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as the property of an unknown owner or on account of any informality or irregularity whatever, in any of the proceedings for its assessment or sale unless the person impeaching said sale shall show that the taxes so assessed on said property, and all penalties and costs accruing on said assessment and the proceedings for sale were paid at the time of such sale.

Sale of property for taxes.

SEC. 29. *Be it further enacted*, That the said city council is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes, whether said real estate and personal property belongs to resident or non-resident owners or to persons unknown, and to authorize the sale of any one lot or subdivision of lot, or so much of the property as may be necessary to pay the taxes due, and that the owner or any one for him, or any mortgagee or person having a

lien, be allowed to redeem the real estate at any time within two years from the sale, on paying the purchaser, or the city treasurer for him, double the amount of the taxes, costs and expenses of sale paid by the purchaser, and five dollars for the expense of re-conveyance and the legal interest on the amount paid at such sale from the date of the sale to the day of redemption; any surplus arising from said sale, to be paid into the city treasury to be kept as a separate fund by said officer for the owner upon the responsibility of his bond. Interest shall be collected on taxes assessed from the first day of May next after the assessment, if not paid by that day; and that when any lot or part of a lot has been assessed to an unknown owner, the assessment shall be *prima facie* evidence of the fact; and that the city council may, by its agent, purchase real estate sold for taxes, and in such event the deed for the same shall be made to the mayor of said city and his successors in office, to be held by him for the city, which may be redeemed as other lands sold for taxes as aforesaid, and when so redeemed the mayor shall re-convey to the owner at the expense of the latter, as aforesaid.

Redemption,  
how made.

SEC. 30. *Be it further enacted*, That the city council of said city be, and are hereby authorized and required to establish a sinking fund to provide for the payment of the interest on any bonds which may hereafter be issued by law, and for the payment and redemption of such bonds at maturity, and they shall appropriate to said fund not exceeding twenty-five per cent. of the revenue received on account of license and tax on all property within said city, and shall require all persons paying taxes or licenses, to pay at least twenty-five percentum thereof in currency, or so much thereof as may be required, or the city council may see fit, and the city council shall have power to collect all taxes of said city, and all fines and forfeitures imposed for violation of any city ordinance by execution, levy and sale, and from the operation of such execution no property of any citizen of said city or other person, shall be exempt; *Provided*, that this mode of collection shall not prevent the collection of same in any other manner herein provided.

To establish a  
sinking fund.

Fines and for-  
feitures.

SEC. 31. *Be it further enacted*, That said city council shall have authority to require all male inhabitants of

corporate and school limits, who have resided therein days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said city for at least five days in each year, under the direction of such officer as the city council may appoint; *Provided*, that any person so required to work may relieve himself from so working by paying into the city treasury the sum of five dollars; all moneys so paid in by residents of corporate limits, to be used and applied exclusively to the improvement of the streets, and all moneys so paid in by residents of the school limits to be applied exclusively towards the support of the public schools of said school district; *Provided further*, that the inhabitants of said corporate and school limits shall be exempt from working on roads or highways outside of said city; *Provided further*, that no male inhabitant of said corporate or school limits, between the ages of eighteen and forty-five years, shall be exempt from the operation of this section.

Unlawful for  
officer to deal  
in claims.

SEC. 32. *Be it further enacted*, That it shall be unlawful for any officer, agent or employee of said city, either directly or indirectly, by himself or by his agent, to purchase, deal in, or traffic in any manner, in a claim, debt, warrant or script due from the city, other than city bonds and coupons, and any such persons found so dealing, shall be guilty of a misdemeanor, and shall be punished by fine, not less than ten nor more than one hundred dollars; but nothing herein shall prevent any officer, agent or employee of said city from acquiring directly from the city, or from receiving in good faith any city claim in payment of a debt due to him, nor from purchasing in good faith so much of such claims as may be necessary to pay his taxes and licenses for the current year.

Deliver prisoner to sheriff of  
Colbert co.

SEC. 33. *Be it further enacted*, That whenever any person is in the custody of the city authorities, before or after conviction of a violation of the city ordinances, and is held for such by said city, and such prisoner has violated any State law, and is charged therewith, such prisoner shall be held by said city authorities until such time as the sentence of the mayor shall be fully performed and discharged, except in cases where said party is demanded by the State authorities under a charge of felony, and the said city authorities shall then deliver such prisoner to the sheriff of Colbert county, and such city officers in

actual charge of said prisoner, in the event of the escape of such prisoner through the fault or negligence of such officers during the time they so held the prisoner, shall be liable for such escape, and shall be punished as is now, or may hereafter be, prescribed by the State law for an escape.

SEC. 34. *Be it further enacted,* That the city council may pass all necessary and needful laws to compel persons to work upon the streets or elsewhere, who refuse to work when being under the sentence of the mayor for a violation of any city ordinance.

SEC. 35. *Be it further enacted,* That in case the said city has not at any time sufficient room for persons sentenced to imprisonment for violation of city laws or ordinances, such persons may be confined in the county jail of Colbert county, Alabama, until the city council can provide for their confinement in the city prison; and while such persons are confined in the jail, the sheriff of said county shall receive from the city of Sheffield for keeping and feeding such prisoners, the same compensation that may be allowed him for keeping other prisoners.

Prisoners may  
be confined in  
county jail.

SEC. 36. *Be it further enacted,* That the city council of Sheffield shall have exclusive power and authority to levy, assess and collect all poll tax from the inhabitants of said corporate and school limits, liable to pay such tax, to be used and applied exclusively to the public schools of the city; the poll tax collected from the white inhabitants to be for the use and benefit of the free white schools of said city, and that collected from the colored inhabitants to be for the use and benefit of the free colored schools of the city; said tax to be assessed and collected by such officers as the city council may appoint, under such rules and regulations as the city council may prescribe, such officers to have the same rights, powers and remedies for the collection of said poll tax as are now given to the tax collector and other officers of Colbert county; *Provided,* that the inhabitants of the school limits shall be entitled to the same privileges in said schools as the inhabitants of said city.

Poll tax.

SEC. 37. *Be it further enacted,* That said city council of Sheffield shall have the right to build and construct underground sewers through private property, anywhere in said corporate and school limits, paying to the owner such damage, if any, as may thereby be done to said

To build un-  
derground sew-  
ers.

city; and for the purpose of ascertaining such damage said city may proceed by writ of *ad quod damnum*, provided by law in such cases, except that the jury shall consist of only five freeholders of said city, and such jurors shall be entitled to only one dollar per day, each, while serving. The judge of probate shall be entitled for his services to only five dollars, and the sheriff to only two dollars and fifty cents for his services in such proceedings. And in case one continuous sewer is to be run through the lands of several joint owners, the whole may be joined in one proceeding; the damage, if any, however, to be assessed to each joint owner separately.

To borrow  
money.

SEC. 38. *Be it further enacted*, That said city council are authorized and empowered to borrow and expend not exceeding the sum of ten thousand dollars, for the purpose of and to be applied exclusively to the erection of a market house and prison in said city.

To issue bonds

SEC. 39. *Be it further enacted*, That for the payment of said sum, and to carry out the power and authority granted in the preceding section of this act, said city council be, and they are hereby authorized to issue the bonds of the city, to be known and designated as Market House Bonds, for not exceeding ten thousand dollars, to run not longer than ten years, and to bear interest at not more than eight per centum per annum; that said bonds shall each be for the sum of one hundred dollars, and shall be numbered, respectively, from 1 to 100 inclusive, and shall have attached thereto coupons numbered to correspond with said bonds, setting forth the amount of interest, when due and where payable; said bonds, when issued, shall be signed by the mayor and countersigned by the city treasurer, who shall attach the seal of said city, and said coupons shall be signed by said treasurer; that no part of said bonds shall be sold or hypothecated by said city council for less than ninety cents on the dollar; said coupons and bonds, when due and payable, respectively, shall be receivable for all dues to said city.

To secure pay-  
ment of bonds.

SEC. 40. *Be it further enacted*, That for the better security of the payment of said bonds at maturity, said city council may execute to trustees, or in such manner and form as may be deemed best for the city, a mortgage upon the lots upon which said buildings may be erected and upon the buildings so erected, and may also pledge for this purpose the rents, incomes and profits arising

from said buildings; and said mortgage may be signed and executed by the mayor in such manner as the city council may direct.

SEC. 41. *Be it further enacted*, That the rents, income and profits arising from said buildings shall be received and kept separate and apart from the rest of the general revenues of said city; and such rents, incomes and profits shall, at least, once in each year be applied exclusively: First, to the payment of the interest then due upon said bonds, and the balance shall be applied to the payment of the principal; and said city council shall guard this section.

SEC. 42. *Be it further enacted*, That said city council are authorized and empowered to borrow and expend not exceeding the sum of thirty thousand dollars, for the purpose of and to be applied exclusively to the erection of free public school buildings and appurtenances and to furnishing and equipping the same; *Provided*, that not more than ten thousand dollars of said sum shall be so borrowed and expended until after the population of the corporate and school limits of said city shall exceed five thousand inhabitants, and that not more than fifteen thousand dollars of said sum shall be so borrowed and expended until the population of said limits shall exceed seven thousand five hundred inhabitants, and that not more than twenty thousand dollars of said sum shall be so borrowed and expended until the population of said limits shall exceed ten thousand inhabitants, and that not more than twenty-five thousand dollars of said sum shall be so borrowed and expended until the population of said limits shall exceed twelve thousand five hundred inhabitants.

SEC. 43. *Be it further enacted*, That for the payment of said sum and to carry out the power and authority granted in the preceding section of this act, said city council be, and they are hereby authorized to issue the bonds of the city, to be known and designated as Public School Bonds, for not exceeding thirty thousand dollars, in amounts not exceeding the respective amounts provided in the preceding section to be borrowed and expended, to run not exceeding thirty years, and to bear interest at not more than eight per centum per annum; that said bonds shall each be for the sum of one hundred dollars and shall be numbered respectively from 1 to 300

Value of. inclusive, and shall have attached thereto coupons numbered to correspond with said bonds, setting forth the amount of interest, when due and where payable; said bonds, when issued, shall be signed by the mayor and countersigned by the city treasurer, who shall attach the seal of said city, and said coupons shall be signed by said treasurer; no part of said bonds shall be sold or hypothecated by said city council for less than ninety cents on the dollar; said coupons and bonds, when due and payable, respectively, shall be receivable for all dues to said city.

Mortgage to secure. SEC. 44. *Be it further enacted*, That for the better security of the payment of said bonds at maturity, said city council may execute to trustees, or in such manner and form as may be deemed best for the city, a mortgage upon the lots upon which said buildings may be so erected, and upon the buildings so erected and upon the school furniture and apparatus therein.

SEC. 45. *Be it further enacted*, That said city council be, and they are hereby authorized and empowered to borrow not exceeding the sum of thirty thousand dollars, to be expended and applied exclusively to the proper drainage and sewerage of said city, and for sanitary purposes; *Provided*, that not more than ten thousand dollars of said sum shall be so borrowed and expended in any one year.

Sanitary bonds SEC. 46. *Be it further enacted*, That for the payment of said sum and to carry out the power and authority granted in the preceding section of this act, said city council be, and they are hereby authorized to issue the bonds of the city to be known and designated as sanitary bonds, for not exceeding thirty thousand dollars, to an amount not exceeding ten thousand dollars in any one year, to run not exceeding thirty years, and to bear interest at not more than eight per centum per annum; that said bonds shall each be for the sum of one hundred dollars, and shall be numbered from 1 to 300 inclusive, and shall have attached thereto coupons numbered to correspond with said bonds, setting forth the amount of interest, when due and where payable; said bonds when issued shall be signed by the mayor and countersigned by the city treasurer, who shall attach the seal of said city, and said coupons shall be signed by said treasurer; no part of said bonds shall be sold or hypothecated by

said city council for not less than ninety cents on the dollar; said coupons and bonds, when due and payable, respectively, shall be receivable for all dues to said city. Value.

SEC. 47. *Be it further enacted*, That said city council shall have power and authority to do and carry out fully all of the powers granted in this act, either by themselves or by their agents by them duly appointed; and no technicality, informality, neglect or omission in the proceedings of said board or the records thereof, shall in any way affect the validity of said bonds or coupons issued under this act or any rights of the purchasers of the same; but said bonds and coupons shall have all the properties and protection of commercial paper. Power to carry out all acts.

SEC. 48. *Be it further enacted*, That all bonds issued under this act shall be sold or hypothecated only for cash, and the money raised by the sale or hypothecation of said bonds shall be paid to the contractors who do the work or furnish the materials, furniture or apparatus and equipments, to pay for which the bonds are issued. Bonds sold for cash only.

SEC. 49. *Be it further enacted*, That whenever the city council of the city of Sheffield may decide that any lands within five miles of said city are dangerous or injurious to the health of the inhabitants of any part of said city, and that the health of such inhabitants will be greatly improved by the drainage of such lands, it shall be lawful for the city council to authorize the mayor of said city to acquire the same by purchase from the owner or owners thereof; and whenever said city council shall deem it for the best interest of the inhabitants of said city or any part thereof, to establish a hospital or hospitals for quarantine purposes or for the treatment of contagious or infectious diseases, it shall be lawful for said city council to authorize the mayor of said city to acquire by purchase from the owner or owners thereof a lot or lots of land within ten miles of said city suitable for such purposes. Said lots for hospitals not to contain more than ten acres in the aggregate. To preserve health of city.

SEC. 50. *Be it further enacted*, That if the mayor of said city cannot agree with the owners of said lands and lots for the purchase of the same, or if the owner or owners thereof be incapable of selling and conveying by reason of infancy or other disability, then the mayor of said city when directed by said city council, shall apply to the clerk of the Circuit Court of the county Right to condemn.

in which such lands or lots shall be situated for a writ of *ad quod damnum* directed to the sheriff of such county, requiring him to summon a jury of seven freeholders of such county not inhabitants of said city, to be upon the lands or lots described in said writ on the day therein to be named, who shall, after being duly sworn by said sheriff or a justice of the peace of such county, true inquiry to make and a just verdict to render, proceed to assess the value of such lands and lots and render a verdict ascertaining the same, which shall be returned by such sheriff to the clerk of the court issuing said writ; and the said clerk shall enter the same, together with the return of the sheriff and all the proceedings on the minutes of the court at the next term thereof, and the jurisdiction of the said city council shall be extended over said lot or lots acquired either by purchase or condemnation for hospital or quarantine purposes under the provisions of this act.

Sheriff to give  
five days notice

SEC. 51. *Be it further enacted*, That the sheriff shall give five days notice to the owner of the lands and lots by serving him or her with a copy thereof if he be a resident of the county, and if not and he should be a resident of another county, a copy of the writ shall be served upon him by the sheriff of such county; but if the owner of such lands or lots shall be a non-resident of this State, or if his residence is unknown notice shall be given by publication of said writ in some newspaper published in said city for three weeks; and if the owner shall be an infant or *non compos mentis*, a copy of the notice shall be served upon his guardian, if a resident of this State, or if the lands or lots shall be in possession of any one as executor or administrator and he be a resident of this State, then such executor or administrator shall be served with a copy of said writ.

Jury; how  
completed.

SEC. 52. *Be it further enacted*, That in case any of the jury who were summoned shall be absent, the jury shall be completed by the sheriff from the by-standers, and in case the jury fails to agree upon a verdict the sheriff shall on the same day or upon some other day, to be fixed by him at the time, summon another jury who shall proceed to make up and render a verdict without other notice. Any juror summoned by the sheriff, and who shall fail to attend may be fined by the court at

its next term twenty dollars, if no sufficient excuse is shown.

SEC. 53. *Be it further enacted*, That the mayor shall pay to the sheriff on the return of the writ the cost of the proceedings, which shall be five dollars to the clerk, ten dollars to the sheriff and two dollars to each juror summoned; also two dollars for each witness attending on a subpoena issued by the clerk at the request of the mayor, and two dollars for each, of not exceeding five witnesses attending on a subpoena issued by the clerk. Costs, and how paid.

SEC. 54. *Be it further enacted*, That upon the payment of the amount assessed by the verdict of the jury to the owner or the clerk of the county, the title to the lands or lots shall vest in the city of Sheffield, unless the owner shall take an appeal to the Circuit Court of the county in which said lands or lots are located within five days, which appeal shall be taken by notifying the clerk of said court that the owner is dissatisfied with the verdict and claims an appeal, and on such an appeal the trial shall be *de novo*, but in such case said city council may proceed to drain and improve such lands and lots as if no appeal had been taken; and if the city council of Sheffield shall be dissatisfied with the verdict, it may, in like manner, take an appeal; but the city council shall not, in such case, proceed with the work of drainage and improvement, unless it shall deposit with the clerk of the court the amount of the verdict appealed from, with twenty-five per cent. added thereto, to remain in his custody to abide the event of the appeal; on the trial of the appeal the costs shall be taxed against the appellant, unless the final judgment is more favorable to appellant than the verdict appealed from. Verdict of jury.  
Appeal.

SEC. 55. *Be it further enacted*, That the right of way necessary to the drainage of the lands acquired, may be acquired by the same proceedings as are herein provided for the acquisition of the lands to be drained. Right of way.

SEC. 56. *Be it further enacted*, That said city council is authorized and empowered to contract with any person, partnership or corporation for the drainage and improvement of the lands and lots so acquired; to sell, use or possess the same for public parks, cemeteries or any other purposes to which said city council may wish to put them. Contract for drainage.

SEC. 57. *Be it further enacted*, That said city council,

through the officers, agents and employees of said city, shall have the right before, as well as after condemnation of said lands, to enter upon said lands and upon such other lands as it may deem necessary for the purpose of making necessary examinations and surveys.

**Prisoners to work on streets** SEC. 58. *Be it further enacted*, That said mayor and city council are hereby authorized and empowered to work all male persons convicted of violating any of the ordinances of the city outside of said city for the purpose of draining and improving said lands and lots, under the same rules and regulations as such persons may be worked upon the streets of said city, and for the same period of time while working out fines imposed upon them.

SEC. 59. *Be it further enacted*, That said mayor and city council are hereby authorized and empowered to work all male persons convicted of violating any of the ordinances of said city outside of said city, within three miles thereof, for the purpose of getting out and preparing rock for the use of said city, and for making brick for the use of said city, and in getting out sand and gravel for the use of said city, under the same rules and regulations as such persons may be worked upon the streets of said city, and for the same period of time, while working out fines imposed upon them.

Approved February 17, 1885.

No. 435.]

AN ACT

[H. B. 972.

To release William J. Bowling, from Fayette county, from the bonds of matrimony.

**Relief of Wm. J. Bowling.** SECTION 1. *Be it enacted by the General Assembly of Alabama*, That William J. Bowling, of Fayette county, be and he is hereby released from the bonds of matrimony now existing with his wife, M. A. Bowling, and the said William J. Bowling is hereby permitted to again contract matrimony.

Approved February 17, 1885.

No. 436.]

AN ACT

[H. B. 964.]

To amend section 21 of an act entitled an act to establish a new charter for the town of Marion, in the county of Perry, approved February 16th, 1870.

*Be it enacted by the General Assembly of Alabama,* That section 21 of an act entitled an act to establish a new charter for the town of Marion in Perry county, approved February 16th, 1870, be amended so as to read as follows: Section 21. *Be it further enacted,* That the mayor and council are hereby authorized, annually, to appropriate as much as ten per cent. of the general revenues of said town, and all or any portion of the revenues arising from licenses granted and issued by said mayor and council for the benefit and support of free public schools in said town.

Approved February 17, 1885.

No. 437.]

AN ACT

[H. B. 963.]

To make Tusculmbia a separate school district.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the district within the corporate limits of the city of Tusculmbia, Alabama, is hereby created a separate school district from the remaining school districts or parts of school districts in the county of Colbert.

SEC. 2. *Be it further enacted,* That said separate school district for the city of Tusculmbia shall have and receive its proportionate share of all the school funds of every description including a *pro rata* share of the sixteenth section fund of each township that lies partly within the corporate limits of said city, and all the tax collected as poll tax within the corporate limits of said city, and such poll tax or other school funds to which said school district is entitled shall be paid over by the superintendent of education of the county of Colbert to the trustees of said school district or to the treasurer or other officer appointed or selected by trustees to receive and receipt for the same.

Election of trustees.

SEC. 3. *Be it further enacted*, That at the next general election for mayor and councilmen for the city of Tusculmbia, there shall be elected from the qualified voters of said city by the electors thereof, who are qualified to vote at such election, six trustees, two of whom shall hold office for one year, two for two years, and the other two for three years, and at the first meeting of the trustees, or as soon as practicable, such trustees shall draw lots for the term of years they are to serve, which drawing shall be conducted by the mayor of the city, and two trustees shall thereafter be elected annually, and at the first meeting of said board of trustees they shall elect from their number a president, a secretary and a treasurer of said board of trustees, and said treasurer shall give bond in such manner and for such amounts and on such conditions as may be prescribed by said board of trustees.

City authorities empower'd to levy and collect taxes.

SEC. 4. *Be it further enacted*, That for the benefit of schools in said school district the city government of the city of Tusculmbia shall be and are hereby authorized and empowered to levy and collect a tax within the limits of said school district, not to exceed one half of one per centum on all the property of every nature, kind or description lying within the limits of said city government, and such tax so collected shall be paid to the treasurer of said school board, which fund shall be used together with any other funds enuring to the benefit of said school district, whether by gift or otherwise, solely for the use and benefit of the public school or schools established by said board of trustees in said school district.

Duty of trustees.

SEC. 5. *Be it further enacted*, That it shall be the duty of said board of trustees to establish such grades as they deem best for the public interest, allowing separate schools for the two races in said limits, and said board are hereby authorized and empowered to employ teachers and specify and designate the course of studies to be pursued in said school district and to make such rules and regulations as they deem best to the interest of all concerned not inconsistent with the constitution and laws of the State of Alabama, and such board of trustees shall have power to purchase or sell real or personal property, may sue and be sued, plead and be impleaded in relation to all matters growing out of their transactions under the provisions of this act.

SEC. 6. *Be it further enacted*, That all vacancies that may occur by death or otherwise in said board of trustees shall be filled by a majority vote of the remaining members of said board of trustees until the next regular election. <sup>Vacancies how filled.</sup>

SEC. 7. *Be it further enacted, Provided*, that children who live in the township or townships from which said school district is taken, and outside the limits of said school district may attend the schools within said school district by transferring to said school district their *pro rata* share of the public school funds appropriated to said township and paying in addition thereto an amount *per capita* which shall equal the special tax *per capita* of each pupil within said district. <sup>Who eligible as pupils.</sup>

SEC. 8. *Be it further enacted*, That said board of trustees may elect a superintendent of public schools for Tuscumbia school district and prescribe the duties of such officer. <sup>Sup't elected.</sup>

SEC. 9. *Be it further enacted*, That such board of trustees shall be styled the board of trustees of the city of Tuscumbia. <sup>Style of board.</sup>

SEC. 10. *Be it further enacted*, That in each school established and paid for by the funds brought together under this act, every grade shall be entirely and unconditionally free for the race and sex for whom it was established. <sup>Separate races.</sup>

SEC. 11. *Be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Approved February 17, 1885.

To require any person who buys cattle in Greene, Tallapoosa, Bibb, Lawrence, Russell, Pike, Washington, Randolph, Talladega, Limestone, Blount, St. Clair, Marshall, Cullman, Pickens, Clay, Chilton, Chambers, Morgan, Coosa, Hale, Escambia, Butler, Choctaw, Lauderdale and Wilcox for the purpose of shipping them from these counties, to file a descriptive list of the same with a justice of the peace or notary public in the beat in which they are purchased, and to require justices of the peace and notaries public to keep a record of the same for the inspection of the public.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person who buys cattle in Greene, Tallapoosa, Bibb, Lawrence, Russell, Pike, Washington, Randolph, Talladega, Limestone, Blount, St. Clair, Marshall, Cullman, Pickens, Clay, Chilton, Chambers, Morgan, Coosa, Hale, Escambia, Butler, Choctaw, Lauderdale and Wilcox counties for the purpose of driving or shipping them from said counties, before he drives or ships them from the beat in which they are purchased, shall make out a list of the number bought by him in said beat, giving a description of each, with the mark and brand, and from whom purchased and date of purchase, to which descriptive list the purchaser must make affidavit of its correctness before a justice of the peace or notary public in the beat in which such cattle are bought, which list and affidavit must be filed with said justice of the peace or notary public.

SEC. 2. *Be it further enacted,* That any person who shall buy and remove any cattle from said counties without complying with this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten, nor more than one hundred dollars.

SEC. 3. *Be it further enacted,* That the justice of the peace or notary public with whom such list and description is filed shall record the same in a book to be kept by them for that purpose, and shall keep said book for the inspection of the public, and for which services they shall receive the sum of fifty cents, for each list and description filed with them, to be paid by the person filing the same.

Descriptive list  
of cattle shipped  
from certain  
counties.

Penalty.

Justice of the  
peace to record

SEC. 4. *Be it further enacted,* That said justice of the peace shall return a certified copy of each of said lists to the judge of probate of said county, and that said list when returned, shall be by the judge of probate of said counties duly recorded in a book kept for that purpose. Certified copy.

Approved February 17, 1885.

No. 439.]

AN ACT

[H. B. 954.]

To incorporate the "Mount Vernon High School," at Howel's X Roads, Cherokee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That William H. Burton of Howel's X Roads, Cherokee county, Alabama, be, and he is hereby created a corporation sole, and body politic, with power of succession to continue for the period of twenty years, and that the successors of the said William H. Burton shall have all the corporate powers and privileges herein conferred upon him.

Sec. 2. *Be it further enacted,* That the name of the said corporation be the "Mount Vernon High School," and its domicile and place of business shall be at the said Howel's X Roads, in said county of Cherokee; and that the said incorporation and his successors shall have power under and by virtue of said corporate name to organize, maintain at said Howel's X Roads a college for the education of males and females of the white race, and to grant diplomas to all persons who shall complete the course of study which shall be adopted by said college, and to do and perform all other acts and things which are or may be necessary and proper in carrying out the purposes of a regular college. Mount Vernon high school.  
Diplomas.

SEC. 3. *Be it further enacted,* That the said William H. Burton and his successors are hereby empowered to organize and employ a regular faculty of teachers in said college, and to maintain the same, and the incorporator, or his successors, are hereby made the principal of said college and the president of its faculty. Wm. H. Burton empower'd to organize.

SEC. 4. *Be it further enacted,* That the said William H. Burton, or his successors, shall have power under said

Right to acquire and hold property.

corporate name to acquire, have, own, receive and possess by gift, grant, purchase, devise, bequeath or otherwise, real and personal property, to the extent of the value of twenty thousand dollars, and shall have power to dispose of said property by sale, grant or otherwise; and shall have such other rights and powers as are granted to private corporations under existing laws.

SEC. 5. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 17, 1885.

No. 440.]

AN ACT

[H. B. 953.]

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors in Magnolia, Horse Creek and Hill's precinct, in Marengo county.

Prohibition in Marengo co.

Exceptions.

Penalty.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters and beverages in Magnolia, Horse Creek and Hill's precinct, in Marengo county, after the first day of April, 1885; *Provided*, that this act shall not apply to persons using wine for sacramental purposes, or to persons using such liquors for domestic and social purposes in private residences; *and provided further*, that nothing in this act shall be so construed as to prevent practicing physicians who have complied with the laws of the State of Alabama regulating the practice of medicine, from keeping and using such liquors in their legitimate practice; *and provided further*, that persons who have taken out licenses for the year 1885 shall be refunded the license money for the unexpired term by the proper State and county authorities having the same in hand.

SEC. 2. *Be it further enacted*, That any person or persons violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, must be fined not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the

county for a term not exceeding twelve months, at the discretion of the jury trying the same.

Approved February 17, 1885.

No. 441.]

AN ACT

[H. B. 950.

To secure better public roads and bridges in Lowndes county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Board of Revenue, and in its discontinuance, the Court of County Commissioners, be, and the same is hereby charged with the superintendence of the work, the making and letting of contracts, and the administration of the funds proposed to be raised under this act; *Provided,* that they may delegate the duty of making and letting contracts to the superintendent of public roads, hereafter provided for, under such regulations as they may prescribe, and subject to their disapproval.

To secure better roads and bridges in the co. of Lowndes

SEC. 2. *Be it further enacted,* That said Board of Revenue, or Court of County Commissioners, as the case may be, shall, as early in each year as is practicable, not later than February first, elect or appoint an agent to personally superintend the labor hereinafter provided for, and to do such other work pertaining to the service, as may be, by the appointing power, directed or ordered to be done.

Agent to superintend.

SEC. 3. *Be it further enacted,* That such agent shall be called the superintendent of public roads and bridges, shall be elected or appointed for one year, and until his successor is appointed or elected, and shall receive such compensation, to be paid monthly, as the appointing power may, by contract, agree upon. He may be removed from office by the board or court, as the case may be, on five days personal, written notice served on him for incompetency, inattention or maladministration in any duty cast on him.

Sup't of roads and bridges.

SEC. 4. *Be it further enacted,* That to raise a fund for the purposes of this act and to improve the public roads and bridges, there shall be, and hereby is levied a

Capitation tax.

capitation tax of three dollars each on all male inhabitants of the county between the ages of eighteen and forty-five years, and not exempt from road duty on grounds other than that of age, according to the present general law on the subject of road duty; and that a tax of five cents on the hundred dollars shall be, and is hereby levied on the taxable value, less exemptions, of all real and personal property owned or employed in the county; these special taxes to be assessed and collected as other taxes are, and no property of the tax payer is exempt from the tax thereby levied.

Tax collector  
to collect tax.

SEC. 5. *Be it further enacted*, That the tax collector shall collect the taxes hereby levied, after the same shall have been assessed, in the mode and manner as he collects other taxes in his county, and shall pay the same monthly to the county treasurer, taking his receipt therefor, and the sureties of the tax collector and tax assessor shall be severally liable in any suit or suits on their official bonds, for the faithful performance of the several duties hereby imposed upon them, and shall receive for their services, to be paid out of the funds collected, the same rate of compensation, as they are allowed for the last thousand dollars of the general county taxes.

Public road &  
bridge fund.

SEC. 6. *Be it further enacted*, That the fund thus assessed and collected shall be known as the public road and bridge fund, and shall be kept by the treasurer separate from all other funds in his hands, and shall be paid out only on the written order of the judge of probate, as authorized by the Board of Revenue, or Court of County Commissioners, as the case may be; and the sureties of the county treasurer shall be liable for the faithful administration of this trust by their principal; and suits under this and the preceding section shall be in the name of Lowndes county for the use of the public road and bridge fund.

Purchase for

SEC. 7. *Be it further enacted*, That to make said road and bridge fund useful, and to insure good roads and bridges, labor may be hired to work thereon, and all useful appliances purchased, under the direction and order of the Board of Revenue, or Court of County Commissioners, as the case may be, or, through the superintendent of public roads and bridges, as they may order. Under this authority, it shall be lawful to purchase mules, vehicles, tools, lumber, timber, provisions, provender,

cooking utensils and anything else useful and necessary to make the work effective. The superintendent is to control the labor and make it efficient, or to discharge laborers for inefficiency, subject to appeal to the contracting board, or any two members thereof, the judge of probate being one.

SEC. 8. *Be it further enacted*, That the Board of Revenue, or Court of County Commissioners, as the case may be, may direct the order of priority in the work on the various public roads or bridges, and may employ a civil engineer, when deemed necessary, to give plans for any particular work. Such employment, however, to continue only so long as may be necessary to properly inform the superintendent as to the roads and manner of doing the work. Priority of work.

SEC. 9. *Be it further enacted*, That this act, so far as it relates to the levy, assessment, collection and paying the taxes to the county treasurer, shall go into effect immediately. In all other respects, it shall take effect from and after January 1st, 1886; and the members of the Board of Revenue, or of the Court of County Commissioners, as the case may be, shall receive the same compensation for services under this act as for former similar services under existing laws. Act goes into effect.

SEC. 10. *Be it further enacted*, That the law as it now exists, so far as it relates to public road duty, shall remain in force until January 1st, 1886. After that time no labor shall be required on public roads of persons who shall have paid the capitation tax, except under the provisions of this act. Law as now exists.

SEC. 11. *Be it further enacted*, That the tax collector, within twenty days after March 1st, 1886, and every year thereafter, shall make out a complete alphabetical list of persons in each precinct separately, who have been assessed and have failed to pay their capitation tax; such list to be furnished the judge of probate for the use of the superintendent of public roads and bridges. For this purpose he shall be furnished with a suitable blank book by the board of revenue or Court of County Commissioners, as the case may be, at the expense of the public road and bridge fund; and for such service the tax collector shall receive such compensation out of said fund as the board of revenue or Court of County Commissioners may determine. Collector to make out alphabetical list.

Parties in default.

SEC. 12. *Be it further enacted*, That persons so reported in default in the non-payment of the capitation tax, shall be liable to do road duty for ten days when summoned thereto by the superintendent or any assistant that may be appointed; and if, on being so warned, such tax payer fail to perform road labor without sufficient excuse, to be judged of by the superintendent or judge of probate, on being notified thereof by the superintendent, and it is made his duty to give such notice in a written report—shall issue his warrant and have such defaulter brought before him; and on the trial, if the defaulter fail to give a sufficient excuse, to be judged of by the judge of probate, he shall be fined not less than ten nor exceeding twenty dollars and costs; and if not presently paid or satisfactory surety given in a confessed judgment, the defaulter shall be sentenced to hard labor for the county for a sufficient number of days to pay the fine and costs, at 40 cents a day; and he shall have a right of appeal to the Circuit Court, on giving bond with surety, in double the amount of the fine and costs, conditioned to pay the judgment of the court if against him. On such appeal the trial shall be *de novo*, and any defects in the proceedings must be amended without delay. Any money realized under this section, after the payment of costs, must be paid by the officer receiving it to the county treasurer and passed to the public road and bridge fund.

Appeal.

Compensation of sup't.

SEC. 13. *Be it further enacted*, That assistant superintendents may be appointed and their compensation fixed by the board of revenue or Court of County Commissioners, as the case may be; and this service may be performed when deemed necessary.

Damages assessed.

SEC. 14. *Be it further enacted*, That if the superintendent cannot agree with the owner as to the value of timber wanted, he shall take and use the same on the public roads or bridges and report the same, together with the number and size of the trees and the kind of timber, to the board of revenue or the Court of County Commissioners, as the case may be, who shall assess the value of the timber and order its payment out of the public road and bridge fund. The owner of such timber or agent in charge, if resident in the county, shall have five days notice of such taking and report, and shall be heard on the matter of such valuation, if claimed.

SEC. 15. *Be it further enacted*, That from and after

January 1st, 1886, there shall be no road overseers nor supervisors in Lowndes county; and all laws in conflict with this, so far as they relate to Lowndes county, are hereby repealed.

SEC. 16. *Be it further enacted*, That none of the provisions of this act shall apply to the capitation tax of persons living in incorporated towns so long as such towns keep up their corporate organizations. Appl's to what

SEC. 17. *Be it further enacted*, That none of the provisions of this act shall prohibit the letting out of the building of public bridges when deemed expedient by the board of revenue or Court of County Commissioners, as the case may be. Does not prohibit.

Approved February 17, 1885.

No. 442.]

AN ACT

[H. B. 947.

To amend an act to incorporate the Alabama Baptist Colored Normal and Theological School.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of said act be and the same is hereby amended so as to read as follows: Section 1. That a school of the highest grade for education be and the same is hereby established in Selma, Dallas county, Alabama, to be known as "The Selma University." Amendment of act incorporating Ala. Normal and Theological school.

SEC. 2. *Be it further enacted*, That section 2 of said act be amended so as to read as follows: Section 2. That Revs. M. Tyler, W. H. McAlpine, J. A. Foster, A. F. Owens, C. O. Booth, E. Thornton, G. J. Brooks, John Dozier, J. W. White, W. B. Patterson, J. P. Billingsley, J. Shorter, A. C. Jackson, T. Glenn, and A. Cunningham, and their successors, be and the same are hereby constituted a body politic and corporate, by the name and style of "The Selma University," with the right and power of exercising all and singular the privileges and capacities of corporations, to sue and be sued, implead and be impleaded, grant or receive, contract and be contracted with, and do and perform all other and proper and necessary acts and things as natural persons; to purchase and hold lands which have been or may hereafter be purchased, or other real estate or personal property, for the Corporators.

**Powers.**

use and benefit of said school; to have and use a seal, with such device or devices as they may deem proper, and change the same at pleasure; *Provided*, that in making titles to real property, under order of the board of trustees, the same shall be signed by the president of such board and countersigned by the secretary; that said board shall have the right and power to change the name of said corporation as often as they deem necessary and proper.

**Faculty.**

SEC. 3. *Be it further enacted*, That section 4 of said act be amended so as to read as follows: The professors and teachers of said university shall constitute the faculty of said university, and they may instruct in any department of literature, art and theology; grant diplomas, and confer all the degrees of literary distinction used in the highest literary and theological institutions in the United States.

**May hold to extent of.**

SEC. 4. *Be it further enacted*, That section 6 of said act be amended so as to read as follows: Section 6. That said corporation may hold and possess real and personal property to the amount of one hundred thousand dollars, including that which has already been acquired, and also any gift, bequest or devise which they may receive as an endowment fund.

Approved, February 17, 1885.

## JOINT MEMORIALS AND RESOLUTIONS.

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No. 1.]                      JOINT RESOLUTION.                      [S. 179.

WHEREAS, The general government of the United States is now engaged in a grand work in rendering the Tennessee River navigable over the Muscle Shoals, located in this State, and has already expended many hundred thousand dollars for that purpose; and whereas, it is important as well as wise, to complete the work as early as practicable; and whereas, Major King, civil engineer of the United States, who has charge of said work, states in his late report, that five hundred and fifty thousand dollars additional appropriation by Congress will enable him or his successor, during the ensuing year, to place the river at that place navigable in ordinary tide;

*Be it therefore resolved by the General Assembly of Alabama,* That our senators be instructed and our representatives in Congress be requested to procure, if possible, during the next ensuing session of Congress, the appropriation of five hundred and fifty thousand dollars, being the amount required to complete the work as contemplated by this resolution.

*Be it further resolved,* That the governor be requested to transmit without delay, a copy of the foregoing preamble and resolution, to each of the senators and representatives of Alabama in the Congress of the United States.

Approved December 5, 1884.

No. 2.]

JOINT MEMORIAL

[H. B. 866.]

Of the General Assembly of Alabama, to the Congress of the United States, asking the appropriation of sufficient money to complete the improvement of the Warrior river, &c.

*To the Honorable Senate and House of Representatives of the United States, in Congress assembled:* Your memorialists, the General Assembly of Alabama, respectfully and earnestly recommend and ask the appropriation of a sum sufficient to complete the improvement of the Black Warrior river in Alabama, in accordance with the estimates and plans heretofore furnished by the chief of engineers of the army of the United States. Your memorialists respectfully urge in support of this appropriation, its eminent national character, the necessity for the cheapening of coal to the people of the Gulf States, the extension of American commerce in the West Indies, Central and South America and Mexico, which countries, public statistics show, are now mainly supplied with bituminous coal by foreign countries, to the practical exclusion of the products of American mines. Your memorialists respectfully show that the Black Warrior river is navigable to Tuscaloosa, in Alabama, a distance from tide water of 378 miles, and the improvement of the river above that point is necessary to allow access by water to the great Warrior coal fields, consisting of 5,500 square miles of coal area, and to the renowned basin of that formation through the heart of which the upper Warrior flows. The subject of supplying our naval vessels and commercial and marine on the Gulf of Mexico with a certain supply of cheap steam coal, apart from the enormous local benefits arising from cheapening the article to millions of our citizens, is deserving of the earnest consideration of Congress. The history of the country shows the undeniable fact that enormous prices have been paid by the government, and the people in gulf ports, for coal for commercial and domestic purposes, supplied from great distances, and by foreign nations, whilst at our own doors lies, almost entirely undeveloped, a coal field of unrivalled quality, and in extent sufficient to supply the wants of the entire world, which is at present closed by law to private improvement and neglected by the govern-

ment. Your memorialists respectfully refer to the act of May 23, 1828, which declares the Warrior river toll free to all citizens of the United States and to all property of the United States, and places the same under the exclusive jurisdiction of Congress; said act being now codified and known as section 5244 Revised Statutes of the United States. Your memorialists further state that large sums have been saved annually to the government of the United States since the opening of mines in Alabama and the delivery of coal by railroad at tide water, and it is believed that the additional saving that may be made by furnishing water transportation will in a few years be equal to the sum necessary to improve the upper Warrior. Your memorialists further show that the streams flowing through the coal measures of other sections of the country have been especially favored by the government and the product of those mines enabled to reach a market of immense extent, whilst the enormous coal deposit of the Warrior, situated in the heart of the gulf States, has been rendered practically useless as a means of coal supply by water at cheap rates, owing to the neglect of the government and the impeding laws before referred to. In these days, when to enlarge the foreign commerce of our country is an imperative duty, when American influences are gradually being spread in the countries south of us—with the projected canals and railroads on the Isthmus of Panama and Nicaragua—your memorialists respectfully urge that there is no subject that bears more directly upon the success of our policy and commerce in those countries, than a supply of cheap steam coal, furnished at tide water in the Gulf of Mexico. South America, Central America, the West Indies and Mexico are mainly supplied with coal from Great Britain, a distance of over 5,000 miles, whilst the Port of Mobile is, in many instances, only one-fourth the distance, enabling the American ship to make three voyages whilst the foreign vessel can make but one. Your memorialists respectfully show that coal is now delivered at the mines in Alabama at half the price it costs free on board ship in Great Britain, and thus having the advantage in distance and price, it only remains to furnish water transportation to the tide to enable the Warrior coal fields to effectively control this immense market now closed to the American coal trade. Your memorialists respectfully

seek to impress upon you the fact that in time of war a supply of cheap steam coal in the gulf would be a prime necessity, its absence fraught with danger to the country. The amount of money necessary to accomplish this great national undertaking is a trifle, compared with the blessings to be conferred on American commerce, as well as on the government; and as the estimates show that all this may be accomplished at the cost of one million two hundred thousand dollars, Congress is earnestly besought to grant that sum that the work may be quickly accomplished.

Approved February 4, 1885.

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No. 3.]                      JOINT RESOLUTION                      H. B. 217.

Proposing amendment to Section 5 of Article II, of the Constitution of the State of Alabama.

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That the following proposed amendment to the Constitution of the State of Alabama be submitted to the people of said State, for their consideration at the next general election for Representatives, which, when agreed to by a majority of all the citizens of said State, voting for Representatives at such election, shall be valid to all intents and purposes as part of the Constitution of the State of Alabama, to-wit: That section 5 of article II, of the constitution, which reads as follows: Section 5. No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the taxable property therein, than one-half of one percentum; *Provided*, that to pay debts existing at the expiration of this constitution an additional rate of one-fourth of one percentum may be levied and collected, which shall be exclusively appropriated to the payment of such debts or the interest thereon; *Provided further*, that to pay any debt or liability now existing against any county, incurred for the erection of the necessary public buildings or other ordinary county purposes, or that may hereafter be created for the erection of necessary public buildings or bridges, any county may

levy and collect such special taxes as may have been or may hereafter be authorized by law, which taxes so levied and collected, shall be applied exclusively to the purposes for which the same shall have been levied and collected, be amended to read as follows: Section 5. No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the taxable property therein than one-half of one percentum; *Provided*, that to pay debts existing at the ratification of this constitution, an additional rate of one-fourth of one percentum may be levied and collected, which shall be exclusively appropriated to the payment of such debts, or the interest thereon; *Provided further*, that to pay any debt or liability now existing against any county, incurred for the erection of the necessary buildings or other ordinary county purposes, or that may hereafter be created for the erection of necessary public buildings, or bridges, or for the construction or improvement of public roads, any county may levy and collect such special taxes as may have been or may hereafter be authorized by law, such tax when levied for the improvement or construction of public roads, not to exceed one-half of one percentum, in any one year, which taxes so levied and collected, shall be applied exclusively to the purposes for which the same shall have been levied and collected.

SEC. 2. *Be it further resolved*, That it shall be the duty of the several sheriffs and other officers, charged by law with the superintendence and returning of the votes of the next general election for Representatives, to open a poll for the vote of the qualified electors on said proposed amendment, said sheriff or other returning officer to make a return of said vote to the Secretary of State within the time and in the manner prescribed by law, for the making up and forwarding to the Secretary of State, of the vote for Representative at such election.

SEC. 3. *Be it further resolved*, That the vote at said election on said proposed amendment, shall be by ballot. The ballot to be a plain piece of white paper of the size and description now provided by law for the ballot cast at general elections, and to have printed or written, or partly written and partly printed upon it, those for said proposed amendment, "For road amendment," and those against it, "Against road amendment."

SEC. 4. *Be it further resolved*, That for a breach in

the performance of the duties herein prescribed, the sheriff or other officer charged with the superintendence of said election, shall forfeit the sum of five hundred dollars, to be sued for and recovered as in cases of other forfeitures by public officers to the State, and it is hereby made the duty of the Secretary of State, within sixty days after the said general election, to notify the several solicitors of the failure of such sheriff or other officer.

SEC. 5. *Be it further resolved*, That if it shall appear from said returns that a majority of all the qualified electors of the State, who voted at such election, voted in favor of the proposed amendment, the Secretary of State shall immediately certify such result to the Governor, that he may make it known by proclamation, as provided by the constitution.

SEC. 6. *And be it further resolved*, That the Secretary of State shall cause this resolution to be published in one newspaper at the seat of government, and a newspaper published in each of the cities of Mobile, Eufaula, Selma, Birmingham and Huntsville, in said State, at least three months before the next general election for Representatives.

No. 4.]

AN ACT

[H. B. 961.

To submit to the people of the State at the general election to be held on the first Monday in August, 1886, for Representatives, for their consideration, an amendment to section 7, article eleven of the constitution, providing a special tax of one-fourth of one per centum for the city of Birmingham, to be applied to the payment of interest on the bonds of said city and for a sinking fund to pay off said bonds at the maturity thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following amendment to section seven (7), article eleven (11) of the constitution is hereby proposed to be submitted to the people of Alabama for consideration, as hereinafter set forth, viz: Amend said section seven (7), article (11), by adding thereto the following: "*And provided further*, that this section shall

not apply to the city of Birmingham, which city may levy and collect a tax not to exceed one-fourth of one per cent. in addition to the tax of one-half of one per centum herein above allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on the bonds of the said city of Birmingham issued in pursuance of law, or that may hereafter be issued by said city in pursuance of law, and for a sinking fund to pay off said bonds at the maturity thereof;" so that said section seven, article eleven, when so amended, will read as follows: § 7. No city, town, or other municipal corporation, other than provided for in this article, shall levy, or collect a larger rate of taxation, in any one year, on the property thereof, than one-half of one per centum of the value of such property as assessed for State taxation during the preceding year; *Provided*, that for the payment of debts existing at the time of the ratification of this constitution, and the interest thereon, an additional rate of one per centum may be collected, to be applied exclusively to such indebtedness; *and provided*, this section shall not apply to the city of Mobile, which city may, until the first day of January, one thousand eight hundred and seventy-nine, levy a tax not to exceed the rate of one per centum; and from and after that time a tax not to exceed the rate of three-fourths of one per centum, to pay the expenses of the city government, and may also, until the first day of January, one thousand eight hundred and seventy-nine, levy a tax not to exceed the rate of one per centum; and from and after that time a tax not to exceed the rate of three-fourths of one per centum, to pay the existing indebtedness of said city and the interest thereon; *and provided further*, that this section shall not apply to the city of Birmingham, which city may levy and collect a tax not to exceed one-fourth of one per centum, in addition to the tax of one-half of one per centum herein above allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on the bonds of said city of Birmingham issued in pursuance of law, or that may hereafter be issued by said city in pursuance of law, and for a sinking fund to pay off said bonds at the maturity thereof.

SEC. 2. *Be it further enacted*, That it shall be the duty of the governor to make publication by proclama-

tion, at least three months before the next general election for Representatives, of the amendment proposed by this act to be submitted to the people for consideration, and shall cause said proclamation to be published for three months, by weekly insertions, in at least four papers published in the State.

SEC. 3. *Be it further enacted*, That at the general election to be held on the first Monday in August, 1886, the qualified electors shall vote on said amendment by ballot, which said ballot shall have written or printed on it the words, "For the Birmingham amendment," or "against the Birmingham amendment," and it shall be deposited in the same manner and in the same box as the ballots for State and county officers; and said words may be written or printed on the same ticket for State and county officers, and if the ballot is a separate ballot by itself, no objection shall be made to it on account of itself, except that it must be a plain piece of white paper with the words above, For the Birmingham amendment, or Against the Birmingham amendment, written or printed on it.

SEC. 4. *Be it further enacted*, That the vote given on the proposed amendment to the constitution are to be counted and estimated in the same manner, in all respects, as the vote for Representatives to the General Assembly, and a statement of the number of votes given for or against said amendment must be made to the returning officers of the county in the same manner as the returns of general elections are made to such returning officers by the same person and within the same time; and the said vote must be counted by the board of supervisors in the same way as the vote for Representatives and at the same time; and the said board of supervisors must make returns of the same to the secretary of state within five days after the same has been ascertained and declared by them.

SEC. 5. *Be it further enacted*, That within fifteen days after the time for making the returns, the governor, in the presence of the secretary of state, auditor, and treasurer, or either of them, in the absence of the other, must estimate the returns and ascertain and declare the result, and if it shall appear that a majority of all the qualified electors of the State, who voted at such election, voted in favor of said proposed amendment, it shall be the duty

of the governor to make known by proclamation the result of said election, and said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the constitution of Alabama.

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No. 5.] JOINT RESOLUTION [H. B. 665.

And memorial to Congress, asking for an increased appropriation to open the Coosa river.

*To the Honorable Senate and House of Representatives of the United States of America,* Your memorialists, the General Assembly of Alabama, respectfully pray that the Honorable Congress of the United States will, as speedily as may be, make such appropriation to the opening of the Coosa river, in the State of Alabama, as will press that work to an early completion. Your memorialists would respectfully show unto your Honorable Body, that the completion of said work would open up uninterrupted water transportation from Rome, Georgia, to Mobile, Alabama, a distance of four hundred miles, through much of the richest country in the State, and that the result would not only be of incalculable value to the State of Alabama, but also to the commerce of the United States; and your memorialists will ever pray, etc.

*Be it resolved by the General Assembly of Alabama,* That our Senators and Representatives in Congress are hereby requested to urge the passage of an act effecting the purposes of the foregoing memorial.

*Be it further resolved,* That the Governor is hereby respectfully requested to transmit the foregoing memorial to each of our Senators and Representatives in Congress.

Approved January 26, 1885.

## No. 6.]

## JOINT MEMORIAL

And resolution of the General Assembly of the State of Alabama, to the President of the United States and the Secretary of War, the Secretary of the Navy and the Secretary of the Treasury.

WHEREAS, The recent inauguration of inter-State drills in different sections of the Union has become a matter of national importance, because of their manifest tendency to advance the efficiency as well of the volunteer militia as of the standing army, and whereas, it is contemplated at the approaching inter-State drill to be held at Mobile, Alabama, commencing May 4th, 1885, to unite as far as practicable with the volunteer militia, a representation from the regular army and navy; and whereas, the commingling of the volunteer soldiery of the different States with troops of the regular army, tends to enhance the common welfare and promote a spirit of union and friendship,

*Therefore resolved*, The Senate concurring, that His Excellency, the President of the United States and the Secretary of War, and the Secretary of the Navy and the Secretary of the Treasury are earnestly memorialized to aid, as far as may be proper under the powers in them by law invested, to recognize said inter-State drill and aid in the accomplishment of its purposes, as follows:

First. That two companies of infantry of the United States army and one light battery with horses, be ordered to Mobile to participate in said inter-State drill.

Second. That seven officers of the United States army be detailed to act as inspectors and judges.

Third. That one United States army band be ordered to report for duty at said inter-State drill.

Fourth. That one officer of the regular army be detailed to plan and lay out the land and naval sham battle as well as the encampment, with authority to draw such ordnance stores as in his judgment may be necessary for the sham battle and rifle practice.

Fifth. That three or more revenue cutters, with such marines from adjacent barracks as may be spared for the occasion, be ordered to take part in the land and naval sham battle.

Sixth. That three hundred tents, such as are used in the army, be loaned for the use of the inter-State drill.

*Be it further resolved,* That our Senators in the Congress of the United States are instructed, and our Representatives requested to lay this memorial before the President of the United States and to promote and cause to be enacted such legislation as may be necessary to effect the object of this memorial.

*Be it further resolved,* That His Excellency, the Governor of Alabama, is hereby requested to cause copies of this preamble and these resolutions, properly signed and attested, under the great seal of the State, to be forwarded to each of our Senators and Representatives, and also one copy thereof to be laid before the President of the United States.

Approved January 23, 1885.

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#### No. 7.]                      JOINT RESOLUTION.

In relation to the swamp and overflowed lands donated to the State by the Congress of the United States.

*Be it resolved by the General Assembly of Alabama,* That in the ascertainment of the lands to which the State is entitled under the act of Congress, donating the swamp and overflowed lands to the several States, the original field notes should be taken as the basis of adjustment, being the fairest and most reliable method of adjusting said interests.

Approved February 13, 1885.

OFFICE OF SECRETARY OF STATE,

MONTGOMERY, ALA., April 28, 1885.

I, ELLIS PHELAN, Secretary of State of Alabama, hereby certify that the foregoing Acts, Resolutions and Memorials are exact copies of the originals, which are now on file in my office.

ELLIS PHELAN,  
*Secretary of State.*

## APPENDIX.

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No. 448.]

AN ACT

[H. B. 982.

To authorize the election of Junior Second Lieutenants  
in the Alabama State troops.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Governor, in his discretion, may authorize any company of the Alabama State troops to elect, in addition to the company officers now provided by law, a junior second lieutenant.

SEC. 2. *Be it further enacted,* That such junior second lieutenant, when his election is authorized by the Governor, shall be elected, commissioned and qualified as now prescribed by law for other commissioned officers.



# INDEX TO GENERAL LAWS.

<b>ABSCONDING FELONS—</b>	<b>PAGE</b>
governor to offer reward for arrest of I. H. Vincent....	163
<b>ACCOUNTANT—</b>	
appointed by governor to examine public accounts.....	122
not allowed to designate how books should be kept....	123
salary of.....	123
to report from time to time, under oath to governor....	123
<b>ACTS AND JOURNALS—</b>	
appropriation for distribution of.....	80
books to be substantially half-bound and lettered.....	136
<b>ACTS AMENDED—</b>	
to prevent issue of false receipts.....	86
fix time for holding eighth judicial circuit....	96
appropriate money for sheriffs in certain cases.	106
levy State and county tax; theatres, &c.....	70
probate judge to decide any doubt that may arise.....	71
levy, State and county tax, liquor.....	71
wholesale and re-tail.....	72
revise and complete geological and agricultural survey.....	120
give landlords of storehouses, &c., a lien on goods.....	131
allow defendant to make statement in his own behalf.....	139
empower corporations organized to construct railroads, &c.....	100
prevent cruelty to animals.....	156
establish State agricultural department.....	168
<b>AGENTS—</b>	
responsible for tax.....	68
<b>AGRICULTURAL AND MECHANICAL COLLEGE—</b>	
interest on bonds.....	81

**AGRICULTURAL DEPARTMENT—**

appropriation for support of.....	175
regulate disbursement of.....	178

**AGRICULTURAL—**

appropriation for, branch experimental station in cane-	
brake.....	144
board of control.....	144
chemical analysis.....	145
current expenses, paid by.....	145
to complete survey, geological and.....	120

**AGRICULTURE—**

amended act, to establish a department of.....	168
analysis of fertilizers.....	173
appropriation for support of department.....	175
correspondence.....	171
diseases of fruits, grains, &c.....	170
encouragement of immigration.....	171
form of statistic reports, &c.....	170
hand-book, with maps.....	171
specimens of woods, &c.....	171
State Geologist.....	171

**ALABAMA INSTITUTION—**

Deaf, Dumb and Blind, at Talladega.....	124
facilities for instruction, &c.....	158
repairs to buildings.....	124
to provide apparatus.....	159
to employ oculist.....	159

**ALABAMA STATE TROOPS—**

appropriation for.....	165
------------------------	-----

**ANALYSIS—**

State agricultural, penalty for making false.....	175
required, made by Agricultural and Mechanical College,	145

**ANIMALS—**

amended act, cruelty to.....	156
------------------------------	-----

**APPARATUS—**

to provide for the instruction of deaf, dumb and blind..	159
--	-----

**APPEALS—**

to governor, any inequality shown assigning convicts...	189
supreme court, not reversed on account of defective	
oath.....	139
circuit court from decree of probate court.....	53

**APPLICATION—**

for relief of soldiers maimed and disabled in late war... 157

**APPROPRIATION—**

for Alabama State Troops.....	165
improvement of capitol grounds.....	178
enlargement of capitol building.....	177
State agricultural society.....	124
Escambia county, to prevent introduction of yellow fever.....	134
repairs to Deaf, Dumb and Blind Asylum, Talladega,	124
increased facilities for instructing the Deaf, Dumb and Blind.....	159
relief of maimed and disabled soldiers of late war...	157
fiscal years ending Sept. 30th, 1885, and Sept. 30th, 1886,.....	77
fuel, lights and water.....	79
salaries executive officers.....	78
stationery, &c.....	79
insurance on capitol.....	79
public printing.....	79
removal and feeding prisoners.....	80
arrest of absconding felons.....	80
officers of penitentiary.....	80
incidental and contingent.....	80
repairs on capitol.....	80
per diem and mileage General Assembly.....	80
distribution of acts.....	80
public schools.....	80
interest on University fund.....	80
Agricultural and Mechanical College.....	81
16th section fund.....	81
public debt.....	81
continuing in force until January, 1887.....	81
General Assembly, 1886.....	82
benefit of sheriffs' claims, removing prisoners 1883, fund having been exhausted.....	89
benefit of sheriffs' claims, removing prisoners 1884, fund having been exhausted.....	106
State Normal Colored School at Marion.....	123
branch agricultural experimental station in canebrake,	144
covering deficiency in contingent expenses 1884....	82

**ARMS—**

issued to military institutions at discretion of governor 156

ARREST—	
of absconding felons.....	80
ARSON—	
what constitutes first degree, penalty.....	105
second degree, penalty.....	105
ASSESSOR—	
duty as to property returned, &c.....	22
form of oath administered by.....	23
gives notice of appointments.....	30
delivers property listed to commissioners.....	31
delivers condensed statement of taxable property in book to judge of probate.....	32
poll tax listed.....	33
authorized to purchase necessary books, &c.....	67
when assessment book is to be returned.....	34
may be suspended by governor for cause.....	34
reports escaped taxes.....	38
ASSESSMENTS—	
must be fair and just.....	38
ASSOCIATE JUSTICES—	
salaries of.....	75
ASSOCIATION, STATE BAR—	
to disbar unworthy member of.....	94
ASYLUM—	
Deaf, Dumb and Blind, repairs to.....	124
ATTORNEY GENERAL—	
salary of.....	77
at meeting of board to assess railroad property.....	27
furnishes form of conveyance.....	59
ATTORNEYS—	
power vested in State bar association to disbar.....	94
AUTAUGA COUNTY—	
fifth circuit, time of holding.....	150
AUDITOR OF STATE—	
Salary of.....	77
to keep record of certificates of maimed and disabled soldiers applying for relief.....	157
keep separate account of convict hire.....	189
ascertain value of railroad property when no return....	26
notify assessor of assessment of railroad property.....	28

**AUDITOR OF STATE—CONTINUED—**

duty as to sleeping cars, &c.....	29
furnish blank licenses.....	41
give assessor list of lands bid in for State.....	55
make sale of lands, &c.....	62
have general supervision enforcing the revenue laws...	64
bring suit.....	65
correct errors.....	68
prepare form of license, with approval of governor....	66

**BALDWIN COUNTY—**

first circuit, time of holding.....	146
-------------------------------------	-----

**BALLAST—**

port of Mobile, disposition of.....	130
-------------------------------------	-----

**BARBOUR COUNTY—**

time of holding circuit court.....	107
third circuit, time of holding.....	150

**BIBB COUNTY—**

fifth circuit, time of holding.....	150
-------------------------------------	-----

**BILL OF LADING—**

for cotton, &c., to be given only on actual shipment....	87
on presentation of compress receipt.....	87

**BIRMINGHAM—**

authorized to extend sewerage.....	163
may condemn for right of way.....	164
damages assessed and payment of.....	164
penalty for obstructing sewers, &c.....	164
fees of clerk and sheriff.....	164

**BLOUNT COUNTY—**

created a part of ninth judicial, time of holding same..	108
circuit court, when held.....	86
chancery court, when held.....	102
ninth circuit, time of holding.....	153

**BOARD—**

on enlargement of capital building, who compose.....	177
improving capital grounds.....	173
of inspectors, on convicts, composed of whom.....	187
book of record to be kept.....	189
to keep account book with each contractor.....	189
salaries of officers.....	194
to furnish card to each convict, stating date, term and expiration of sentence.....	195
to assess railroads, of whom composed.....	26

<b>BONDS—</b>	
of Agricultural and Mechanical College, interest on...	81
State debt.....	81
<b>BOOK—</b>	
State Agricultural department, hand, with maps.....	171
registry, fees, &c.....	171
<b>BUILDING AND LOAN ASSOCIATION—</b>	
return of taxable property, how made.....	11
<b>BULLOCK COUNTY—</b>	
time of holding circuit court.....	106
third circuit, time of holding.....	149
<b>BUTLER COUNTY—</b>	
second circuit, time of holding.....	149
<b>CANCELLATION—</b>	
of coupons, State bonds.....	90
<b>CANEBRAKE—</b>	
Agricultural experimental station in.....	144
<b>CALHOUN COUNTY—</b>	
time of holding circuit court.....	85
seventh circuit, time of holding.....	152
<b>CAPITOL—</b>	
appropriation for repairs of building.....	80
enlargement of building.....	177
insurance of building.....	79
improvement of grounds.....	178
contingent expenses.....	80
verification of title to lot north of.....	178
<b>CARD—</b>	
every convict to be furnished with one, stating date, term and expiration of sentence.....	195
<b>CHALLENGE OF WITNESSES—</b>	
defendant entitled to, how many.....	186
State entitled to, how many.....	186
peremptory .....	186
<b>CHAMBERS COUNTY—</b>	
fifth circuit, time of holding.....	151
<b>CHANCELLORS—</b>	
salary of.....	79

<b>CHAPLAIN—</b>	
appointed for convicts.....	195
salary of.....	196
<b>CERTIFICATE—</b>	
required of teachers on hydrogen and physiology.....	113
registers, of sheriff's attendance chancery court.....	94
<b>CHEMISTRY—</b>	
professor of, to be official chemist State agricultural department.....	176
<b>CHEROKEE COUNTY—</b>	
time of holding circuit court.....	85
created part of ninth judicial.....	108
repeal of section 4414, trespass of stock.....	112
ninth circuit, time of holding.....	153
<b>CHILTON COUNTY—</b>	
fifth circuit, time of holding.....	151
<b>CHOCTAW COUNTY—</b>	
first circuit, time of holding.....	148
<b>CLARKE COUNTY—</b>	
1st circuit, time of holding.....	148
<b>CLASS A, B, C, BONDS—</b>	
interest on.....	81
<b>CLAY COUNTY—</b>	
time of holding circuit.....	85
7th circuit, time of holding.....	152
<b>CLEBURNE COUNTY—</b>	
time of holding circuit.....	85
7th circuit, time of holding.....	152
<b>CLERKS—</b>	
Secretary of State's office, salary of.....	78
auditor       "       "       ".....	78
treasurer     "       "       ".....	78
superintendent of education's office, salary of.....	78
temporary, executive department, appropriation for.....	78
of the House.....	81
appropriation, to cover deficiency clerical force 1884....	83
amended act, auditor's office.....	87
State agricultural department.....	168
salaries of.....	169

## CLERKS—CONTINUED—

record fertilizer tags.....	174
inspectors of convicts....	194

## CODE, SECTIONS AMENDED—

88, 89, 90 and 91, clerical force auditor's office.....	87
518, 519 and 521, stamps, sold, unused and returned to auditor .....	73
657 and 757, defining jurisdiction of circuit court and justices of the peace.....	88
1245, Normal colored school, Marion.....	123
1246, State Normal school, colored race.....	112
1258, 1259 and 1260, Huntsville State Colored Normal school.....	162
1376, 1380, 1381 and 1383, regulations, Port of Mobile.	128
1382, harbor master Port of Mobile.....	127
1385, 1388, 1393, 1395 and 1396, vessels inside of outside bar Mobile.....	126
1544, requirements, to obtain licenses in certain counties	179
counties excluded from act.....	181
1719, railroad draw-bridge, to be opened on signal....	121
1812, companies organized, may borrow money.....	118
2234, relinquishment of dower, how made.....	126
2292 (1928), widow's right to dissent from deceased husband's will.....	74
in cases of insanity, guardian <i>ad litem</i> .....	74
2446, conveyances, when, by whom and to whom made.	95
2472 (2128), probate judge to correct error, land sale...	76
2761, probate judge to appoint guardian <i>ad litem</i> , to parties <i>non compos mentis</i> .....	118
2775, probate judge may grant order to guardian to lease property of wards.....	161
2836, officer making levy to notify defendant.....	97
defendant to make bond.....	98
3279, liability of justices of the peace and constables...	95
3462 and 3464, mechanic's lien.....	92
3627, justices of the peace, writ of <i>feri facias</i> .....	104
3655, justices of the peace to return papers on appeal...	113
3801, relief of defendant by allegation of facts.....	91
4222, liquor adulteration.....	139
4346 and 4347, arson, first and second degrees.....	105
4370 (3714), obtaining goods under false pretenses.....	142
4373, obtaining goods under false pretenses.....	117
4414, trespass of stock.....	111

## CODE, SECTIONS AMENDED—CONTINUED—

4428, burning forests.....	125
4879 (4178), 4880 (4179), peremptory challenge by de- fendant .....	137
by State.....	138

## COFFEE COUNTY—

time of holding circuit court.....	107
third circuit, time of holding.....	149

## COLBERT COUNTY—

time of holding circuit court.....	96
8th circuit, time of holding.....	152

## COLLECTOR OF TAXES—

elected or appointed.....	41
oath of office.....	42
duty of.....	43
proceeds by garnishment.....	44
makes final settlement.....	48
delivers book of delinquents to probate judge.....	50
attends court with book.....	52
commissions of.....	46

## COLLEGE, AGRICULTURAL &amp; MECHANICAL—

interest on bonds.....	81
------------------------	----

## COMMISSIONERS—

property of widows and minors exempt from administra- tion.....	114
agriculture, to pay expenses of branch experimental station.....	144
to revise and codify statutes.....	146
pilotage, port of Mobile, to have supervision over ship channel .....	154
other duties and of whom composed .....	155
deaf, dumb and blind asylum.....	158
State agricultural department.....	168
salary of, bond, &c.....	168
duties of.....	169
issue and distribute circulars.....	172
make rules, &c.....	174
office, where.....	175
authorized to draw for current expenses.....	176
travelling .....	176
of Lowndes county, per diem and mileage.....	182

**COMMISSIONERS—CONTINUED—**

to regulate disbursement of agricultural and mechanical department.....	178
---	-----

**COMPENSATION—**

to commissioners, for revising code.....	146
reporter supreme court.....	79
officers of penitentiary.....	80
secretary of senate.....	81
clerk of house.....	81
general assembly, 1886.....	82
for sheriff's removing prisoners, to regulate.....	166

**CONECUH COUNTY—**

second circuit, time of holding.....	149
--------------------------------------	-----

**CONFINEMENT—**

of convicts.....	189
------------------	-----

**CONSTABLES—**

liability for non-discharge of certain duties.....	95
--	----

**CONTAGIOUS DISEASES—**

provision against introduction of, Escambia county.....	134
---	-----

**CONTINGENT EXPENSES—**

appropriation to cover deficiency 1884.....	82
---	----

**CONTRACTS—**

convict, governor to open bids and make awards.....	191
record of, conditional sale or lease railroad equipments and rolling stock.....	83
privilege of evidence and notice.....	84
operate to all persons as notice of title.....	84
hire of county convicts, must express kind of labor....	193

**CONTRACTOR—**

account book to be kept with each.....	189
assignment of convicts, no preference shown.....	190
must give sheriffs duplicate receipts.....	190

**CONVICTS—**

must be worked as expressed in bid.....	191
classified, recorded, &c.....	191
confined for misdemeanor, must not work or be confined with one sentenced for felony.....	192
white and colored, must not be worked or confined together.....	192

**CONVICTS—CONTINUED—**

unlawful to hire one sentenced to hard labor to a relative or connection.....	192
sustaining personal injury.....	190
may bring suit against contractor or other person.....	190
hiring of, to be advertised.....	191
assigned to contractors.....	190
confinement of.....	189
regulate and define system.....	187
board of inspectors, and their term of office.....	187
shackles and chains, only used by consent of inspectors..	194
sentenced for an offense, not involving moral turpitude must not be worked on railroad.....	195
costs of conviction.....	195
contract, when it shall be made..	195
when physically incapable of working in mines, &c....	195
chaplain of.....	195

**CONVEYANCES—**

when, by whom and to whom made.....	95
prescribe uniform mode.....	141
written or printed and witnessed.....	141

**COOSA COUNTY—**

fifth circuit, time of holding.....	151
-------------------------------------	-----

**CORPORATIONS—**

must give security for costs when suing in this State...	137
organized under amended section 1817, authorized to construct, locate, &c., railroads, canals.....	100
damages assessed.....	101
consent of city, before crossing streets.....	101
consent of owner before passing through yard.....	101

**COTTON PICKERIES—**

taxed.....	10
------------	----

**COUNTY COMMISSIONERS—**

constitute jury board in certain counties.....	181
time and place of meeting.....	182
prepared list of jurors.....	182
certified copy, filed with probate judge.....	183
quorum.....	184
failure in duty a misdemeanor.....	186

**COURTS, CHANCERY—**

western division, time and place of holding.....	101
Escambia county, made into a separate district.....	93

## COURTS, CHANCERY—CONTINUED—

time and place of holding same.....	93
sheriff's fees.....	94
when oral testimony may be taken.....	140
form of notice.....	141
register of prohibited from practicing law.....	119

## COURTS, CIRCUIT—

third judicial, time and place of holding.....	106
creating ninth judicial, time and place of holding.....	108
hour of convening.....	108
salary of judge.....	135
time for taking up civil and criminal dockets, Monroe county.....	75
seventh judicial, time and place of holding.....	85
to exercise original jurisdiction of all felonies and misdemeanors, suits at law when sum exceeds fifty dollars..	88
judge of to give special charge to grand juries against registers practicing law.....	120
all actions founded on wrong or injury, when damages do not exceed fifty dollars, except in cases of libel, slanders, &c.....	88
actions to recover specific property, when value does not exceed one hundred dollars.....	88
eighth judicial, when and where held.....	96
clerk, to make record of indictments returned by grand juries.....	98
indictments lost or destroyed, clerk to make certified copies.....	98
penalty of clerk, wilfully or negligently failing to make record.....	99
sixth judicial, time and place of holding.....	116
State divided into nine judicial.....	147
third judicial, time and place of holding.....	106
criminal docket, when taken up.....	153
salaries of judges.....	79

## COURT, SUPREME—

decisions of, compensation of reporter.....	79
review and revise rulings of inferior courts.....	140
salary of associate justices.....	78
salary of secretary.....	79
compensation of servant.....	79
appropriation for printing decisions.....	79

**COURTS, SUPREME—CONTINUED—**

appeals to, not reversed on account of defective oath....	139
rulings in primary reviewed and revised.....	140

**COURTS, COUNTY—**

capital cases, how juries are drawn.....	185
right to challenge, State and defendant.....	186
civil cases, peremptory.....	186
trespass and counts in trespass on the case may be joined	125
certain witness certificates issued, valid claims.....	135
provide manner in which corporations and non-residents must give security for costs.....	137
regulate practice of appeals in criminal cases in the mat- ter of defective oath to juries.....	138
cases removed from State to U. S. courts.....	72
weekly jury list to be filed with clerk.....	183
duty of clerk.....	184
same proceedings authorized in probate courts may be had in city court Birmingham.....	164

**CULLMAN COUNTY—**

time of holding circuit court.....	86
time of holding chancery court.....	102
eighth circuit, time of holding.....	152
created a part of 9th judicial, time of holding.....	108

**CRUELTY TO ANIMALS—**

amended act.....	156
------------------	-----

**CURRENT EXPENSES—**

commissioner state agricultural department authorized to draw for.....	176
agricultural department.....	178

**DALE COUNTY—**

time of holding circuit.....	107
third circuit, time of holding.....	149

**DALLAS COUNTY—**

fourth circuit, time of holding.....	150
--------------------------------------	-----

**DAMAGES—**

assessed against corporations.....	101
------------------------------------	-----

**DEBT—**

state, interest on.....	81
mortgage if paid title reverts to mortgagee.....	73

**DEBT—CONTINUED—**

bonded treasurer to designate banking house in New York through which interest may be paid.....	89
mortgages invalid unless in writing.....	93

**DEED—**

lot north of capitol to be fee simple.....	179
--	-----

**DEFENDANT—**

may make statement in his own behalf.....	139
obtain relief against complainant by allegement of facts .....	91

**DEFICIENCY—**

contingent expenses 1884, appropriation for.....	82
clerical force 1884, appropriation to cover.....	83

**DEFINITION—**

of terms.....	3
---------------	---

**DeKALB COUNTY—**

time of holding circuit court.....	85
created part of ninth judicial, time of holding.....	108
ninth circuit, time of holding.....	153

**DISTRIBUTION—**

acts, appropriation for.....	80
------------------------------	----

**DRUNKENNESS—**

in public places, penalty of.....	142
-----------------------------------	-----

**ELMORE COUNTY—**

fifth circuit, time of holding.....	150
-------------------------------------	-----

**EMPLOYEE—**

when injured liability of employer.....	115
---	-----

**EMPLOYER—**

liability of to employe in case of injury.....	115
non-liability.....	116
sum recovered exempt.....	116

**ENDOWMENT—**

to University of Alabama.....	109
-------------------------------	-----

**ERRORS—**

insolvencies furnished justices.....	66
--------------------------------------	----

**ESCAMBIA COUNTY—**

to provide against introduction of yellow fever.....	134
duties of probate judge.....	134

**ESCAMBIA COUNTY—CONTINUED—**

second circuit, time of holding.....	149
a separate chancery district.....	93

**ESTABLISHMENT—**

state agricultural department amended.....	168
immigration encouraged.....	171

**ETOWAH COUNTY—**

created a part of ninth judicial, time of holding.....	108
repeal of section 4414, trespass of stock.....	112
time of holding circuit court.....	85
ninth circuit, time of holding.....	153

**EXEMPTED—**

from jury duty.....	187
---------------------	-----

**EXEMPTION—**

property of widows and minors.....	114
from taxation.....	4

**EXPERIMENTAL—**

farm, how provided for.....	174
-----------------------------	-----

**EXPRESS COMPANIES—**

returns, how, when and by whom made.....	30
--	----

**FARM—**

experimental, provision for.....	174
----------------------------------	-----

**FAYETTE COUNTY—**

time of holding chancery court.....	102
6th circuit, time of holding.....	151
time of holding 6th judicial circuit.....	117

**FACTS—**

set forth in mechanic's lien.....	93
-----------------------------------	----

**FEES—**

judge of probate.....	54
assessor.....	36
collector.....	45
timber inspectors.....	133
solicitors, adulteration of liquor.....	140
when case is remanded back to State court...	72
clerk and sheriff, city court, Birmingham.....	164

**FEEDING PRISONERS—**

appropriation for.....	80
------------------------	----

<b>FELON—</b>	
absconding, late Treasurer I. H. Vincent, reward for arrest of.....	163
<b>FERRIES—</b>	
how taxed.....	10
<b>FERTILIZERS—</b>	
submitted to commissioner of agriculture.....	172
packages to be branded and sampled.....	173
analyzed.....	173
terms of.....	175
<b>FORM—</b>	
statistical, agricultural department.....	170
<b>FORESTS—</b>	
penalty for carelessly burning.....	125
<b>FORFEITURE—</b>	
of rent or lease of premises, violating or evading prohibitory laws.....	161
<b>FRANKLIN COUNTY—</b>	
time of holding circuit court.....	96
time of holding chancery court.....	102
8th circuit, time of holding.....	152
<b>FUEL AND LIGHTS—</b>	
appropriation for.....	79
<b>FUND—</b>	
interest on University.....	80
interest on 16th section.....	81
sale of fertilizer tags, disposition of.....	174
<b>FUNDS—</b>	
treasurer authorized to dispose of uncurrent.....	167
<b>GAS WORKS—</b>	
taxed.....	10
<b>GENEVA COUNTY—</b>	
time of holding circuit court.....	107
3rd circuit, time of holding.....	149
<b>GENERAL ASSEMBLY—</b>	
appropriation for printing acts and journals.....	79
mileage and per diem.....	80
1886.....	82

<b>GEOLOGIST, STATE—</b>	
to assist State agricultural department.....	171
<b>GEOLOGICAL AND AGRICULTURAL—</b>	
to make complete survey of the State.....	120
report to be printed in full and comprehensive form....	120
fund paid from.....	120
<b>GOVERNOR—</b>	
salary of.....	77
member of board to assess railroad property.....	26
aids auditor in matter of blank licenses.....	66
deficiency in contingent expenses 1884, payable on his order.....	82
to employ expert accountant to examine public accounts, &c.....	122
appoint commissioner to revise and codify statutes....	146
submit code and report to next General Assembly....	146
fill vacancy in office.....	146
issuing arms to military institutes discretionary with...	156
offer reward for arrest of I. H. Vincent.....	163
pay extradition expenses if arrested in foreign country..	163
appoint physician for convicts.....	188
may remove.....	188
appealed to if injustice is shown in assigning convicts..	189
at hiring of convicts, to open bids and award contracts..	191
to have control of inspectors of convicts.....	193
transmit to General Assembly a full and complete printed report.....	193
<b>GRAND JURORS—</b>	
mode of drawing.....	183
<b>GREENE COUNTY—</b>	
time of holding chancery.....	103
sixth judicial circuit.....	117
sixth circuit, time of holding.....	151
<b>GUARD—</b>	
person convicted of a felony cannot serve.....	193
<b>GUARDIAN—</b>	
may be empowered to lease real estate belonging to a ward.....	161
<i>ad litem</i> .....	162
allowed to sue a person or corporation causing injury to minor.....	99
to persons <i>non compos mentis</i> to give bond.....	119

**HALE COUNTY—**

time of holding chancery court.....	103
fourth circuit, time of holding.....	150

**HARBOR MASTER, PORT OF MOBILE—**

disqualification of.....	127
duties of.....	128
salary of.....	130
may appoint deputies in certain cases.....	128
penalty for non-attention to duties.....	130
one of board of commissioners of pilotage.....	155
to cause damage done ship channel, bayous, etc., repaired at expense of party causing same.....	155
may grant permits to vessels drawing more than twelve feet of water to enter by dredged channel.....	155

**HENRY COUNTY—**

time of holding circuit court.....	107
third circuit, time of holding.....	149

**HOUSE OF REPRESENTATIVES—**

mileage and per diem.....	80
payment of clerk.....	81

**HOUSEHOLDER—**

in certain counties right to contest application for liquor license.....	180
---	-----

**HUNTSVILLE—**

appropriation for state colored school.....	162
name of school changed.....	162

**HYGIENE—**

provision for study of in public schools.....	113
---	-----

**INCIDENTAL EXPENSES—**

appropriation for.....	80
------------------------	----

**INCOME TAX—**

repeal of.....	21
----------------	----

**INDICTMENTS—**

when found and returned by grand juries clerk of court to make record.....	98
if lost or destroyed, court may direct clerk to make cer- tified copy.....	98

**INDUSTRY—**

to protect and encourage.....	143
-------------------------------	-----

**INSPECTORS—**

penitentiary, compensation of.....	80
not required to inspect convicts in county of conviction.....	192
authorized to summon witnesses.....	193
to be controlled by governor.....	193
salary of president of board and other inspectors.....	194
of timber, lumber, etc., appointed by probate judge....	132
restrictions.....	132
fees.....	132

**INSPECTOR GENERAL—**

of timber, lumber, etc., one in each county .....	133
duties of.....	133
bond, commissions, etc.....	133

**INSURANCE—**

remittances to pay interest on state bonds.....	90
---	----

**INSURANCE COMPANIES—**

tax on.....	9
property of taxed.....	7
penalty upon agents of.....	20

**INTEREST—**

on University fund.....	80
sixteenth section fund.....	81
public debt.....	81
Agricultural and Mechanical College bonds.....	81
treasurer to designate banking house in New York through which may be paid.....	89
when due and how paid.....	90
insurance on remittances of.....	90
cancellation of coupons.....	90

**INVESTMENT—**

of surplus funds arising from sale of lands University en- dowment fund.....	110
---	-----

**INVESTIGATION—**

of diseases of fruits, grain, &c.....	170
---------------------------------------	-----

**JACKSON COUNTY—**

time of holding circuit-court.....	97
ninth circuit, time of holding.....	153

**JAILORS—**

penalty for allowing prisoners to be taken from their cus- tody.....	136
---	-----

## JEFFERSON COUNTY—

time of holding chancery court.....	103
time of holding sixth judicial circuit.....	117
seventh circuit, time of holding.....	152

## JOURNALS AND ACTS—

to be substantially bound.....	136
appropriation for distribution of.....	80

## JUDGES—

salary of chief justice Supreme Court.....	78
salary of associate justices.....	78
salary of secretary.....	79
salary of circuit judges.....	79
ninth judicial, salary of.....	135
of probate court, certificate of maimed or disabled soldiers of late war.....	157
penalty of issuing false certificate.....	158
to appoint commissioners for exempted property of widows and minors.....	114
appoint guardian <i>ad litem</i> persons <i>non compos mentis</i> .....	119
Escambia county, duties of to prevent introduction of yellow fever.....	134
may grant order to guardian to lease real estate belonging to a ward.....	161
examine witnesses, parties contesting application for license.....	180
copies of jury lists to be deposited with.....	184

## JUSTICES OF THE PEACE—

to have jurisdiction, trespass of stock.....	112
subject to appeal.....	112
his duty, unknown party evading or violating prohibitory law.....	160
liability for non-discharge of duty.....	95

## JURISDICTION—

circuit court, to exercise original, of all felonies or misdemeanors, libels, slanders, &c.....	88
---	----

## JURORS—

in certain counties, to more effectually secure competent	181
prepared list filed with probate judge.....	183
mode of drawing.....	183
a weekly list, to be filed with clerk of court.....	183
for special or adjourned term.....	184

**JURORS—CONTINUED—**

failure to obey summons.....	185
capital cases, how drawn.....	185
grand and petit.....	185
when residing more than five miles from court house...	186
right to challenge.....	186
exempts.....	187

**KEEPER OF THE CAPITOL—**

salary of.....	78
----------------	----

**LAMAR COUNTY—**

sixth circuit, time of holding.....	151
time of holding chancery court.....	103
time of holding sixth judicial circuit court.....	116

**LANDS—**

when, bid in for State.....	54
subject to sale.....	62
subject to redemption.....	55
description of, for assessment.....	23

**LANDLORDS—**

lien of.....	132
--------------	-----

**LAUDERDALE COUNTY—**

time of holding circuit court.....	96
time of holding chancery court.....	102
eighth circuit, time of holding.....	152

**LAWRENCE COUNTY—**

time of holding circuit court.....	96
time of holding chancery court.....	102
eighth circuit, time of holding.....	152

**LAWS—**

for management of State convicts made applicable to	
counties.....	192
exceptions.....	192
regulating paying sheriffs for feeding prisoners.....	138

**LEE COUNTY—**

time of holding circuit court.....	107
third circuit, time of holding.....	150

**LIBRARIAN OF STATE—**

salary of.....	78
salary of assistant.....	79

**LICENSES—**

requirements necessary to obtain.....	180
provision to refund amount over-paid.....	76
refundment of money in counties that later passed prohibitory laws.....	91
probate judge's certificate, amount to be refunded.....	92
to prevent violation or evasion of prohibition laws.....	159
required to deal in fertilizers.....	176
unlawful to do business without.....	12
issued by probate judge.....	41
what a retail dealer is.....	14
distillers of liquors, &c.....	15
transient dealers, auctioneers, &c.....	16
sewing machine companies, &c.....	17
circus, menagerie, &c.....	18
drummers, trade boats, &c.....	19
who may contest right to obtain.....	180

**LIENS—**

mechanics who control their labor and material.....	92
landlords, of storehouses, &c.....	131
State, preferred.....	68

**LIGHTS—**

appropriation for.....	79
------------------------	----

**LIMESTONE COUNTY—**

time of holding circuit court.....	96
time of holding chancery court.....	102
eighth circuit, time of holding.....	153

**LIQUORS—**

adulteration of.....	140
----------------------	-----

**LITERATURE—**

suppression of obscene.....	74
-----------------------------	----

**LOWNDES COUNTY—**

fourth circuit, time of holding.....	150
commissioners to receive per diem and mileage.....	182

**MACON COUNTY—**

fifth circuit, time of holding.....	151
-------------------------------------	-----

**MADISON COUNTY—**

time of holding circuit court.....	96
eighth circuit, time of holding.....	153

**MARENGO COUNTY—**

time of holding chancery court.....	103
first circuit, time of holding.....	148

**MARION COUNTY—**

time of holding circuit court.....	96
time of holding chancery court.....	103
eighth circuit, time of holding.....	152

**MARSHALL COUNTY—**

time of holding circuit court.....	85
created part of 9th judicial, time of holding.....	108
9th circuit, time of holding.....	153

**MARSHAL SUPREME COURT--**

salary of.....	78
----------------	----

**MESSENGERS—**

salary of, executive officers.....	78
------------------------------------	----

**MILEAGE—**

appropriation for General Assembly.....	80
---	----

**MILITARY INSTITUTES—**

arms issued to, by governor.....	156
----------------------------------	-----

**MOBILE, PORT OF—**

who disqualified to be harbor master or warden.....	127
fees, moving vessels.....	127
rules and regulations.....	128
fees, chargeable, and disposition of.....	129
salary of harbor master and his duties.....	130
ballast, how managed.....	130
party appointed to attend to discharge of ballast.....	131
to control and regulate ship channel.....	154
commissioners of pilotage to have charge.....	154
penalty of obstructing channel.....	154
harbor master, &c.....	155

**MOBILE COUNTY—**

first circuit, time of holding.....	148
-------------------------------------	-----

**MONROE COUNTY—**

first circuit, time of holding.....	148
to regulate time of taking up civil and criminal docket, circuit court.....	75

**MONTGOMERY COUNTY—**

second circuit, time of holding.....	149
--------------------------------------	-----

**MORGAN COUNTY—**

time of holding circuit court.....	96
time of holding chancery court.....	102
eighth circuit, time of holding.....	152

**MORTGAGES—**

when paid title reverts with mortgagor.....	73
invalid unless in writing.....	93
lawful for defendant to plead payment, &c.....	104
amount due assessed and payment with costs.....	104

**NOTICE—**

form of, in taking oral testimony, chancery court.....	141
form of, to delinquent tax payers.....	51
of land sale.....	52
letters and figures.....	53

**OBSCENE LITERATURE—**

suppression of.....	74
---------------------	----

**OCULIST—**

board empowered to employ, for Deaf, Dumb and Blind Asylum.....	159
---	-----

**OFFICER—**

cannot accept service or compensation from any person or corporation interested in convict labor.....	193
---	-----

**OFFICES—**

of warden, clerk and inspectors of penitentiary hereby abolished.....	188
---	-----

**PARENTS—**

allowed to sue in case of injury to minor.....	99
--	----

**PENALTY—**

of issuing false receipts.....	86
arson in first and second degree.....	105
obtaining goods, &c., under false pretenses.....	142
interference with any one in the peaceable exercise of any lawful industry.....	143
obstructing ship channel Port of Mobile.....	154
false swearing, maimed or disabled soldiers making application for relief.....	158
violating or evading prohibition laws.....	159
party owning premises, where liquor is unlawfully disposed of.....	160
cutting loose, logs, timber, &c.....	165
for selling same.....	166

## PENALTY—CONTINUED—

dealing unlawfully in fertilizers.....	172
fraud in manufacture of fertilizers.....	174
counterfeiting fertilizer tags.....	174
making false analysis of fertilizers.....	175
not taking out license.....	176
violating law, regarding convicts.....	194
assessors, collectors and probate judges for non-performance of duties.....	67
violation of revenue law, not otherwise provided for....	69

## PENITENTIARY, WETUMPKA—

convicts to be cared for by board of inspectors.....	188
--	-----

## PERRY COUNTY—

branch agricultural experimental station.....	144
time of holding chancery court.....	103

## PHYSICIAN—

appointed by governor, for convicts.....	188
salary, duty, &c.....	188
to make <i>post mortem</i> examinations.....	194

## PHYSIOLOGY—

provision for study of, in public schools.....	113
--	-----

## PICKENS COUNTY—

time of holding chancery court.....	102
time of holding sixth judicial circuit.....	116
sixth circuit, time of holding.....	151

## PIKE COUNTY—

second circuit, time of holding.....	149
--------------------------------------	-----

## PILOTS—

vessels inside of outer bar Mobile, optional to take.....	126
commissioners of, have charge ship channel.....	154

## POSTAGE—

appropriation for.....	79
------------------------	----

## PRESIDENT—

board of inspectors of convicts, his duties.....	188
--	-----

## PRINTING—

acts and journals.....	186
------------------------	-----

## PRISONERS—

to regulate compensation of sheriffs, for removing, &c..	166
--	-----

**PRISONERS—CONTINUED—**

punishment to sheriff, deputy or jailor for allowing them to be taken from their custody.....	136
sheriff's fees for feeding.....	138

**PROFESSOR OF CHEMISTRY—**

to be official chemist State agricultural department.....	176
compensation of.....	176

**PROHIBITION—**

to prevent violation or evasion of.....	159
parties owning premises where liquor is sold also guilty..	160
duty of justice of the peace, when vendor is unknown..	160
all persons found on premises arrested.....	160
forfeiture of rent or lease.....	161
solicitors fee.....	161

**PROBATE JUDGE—**

to grant certificate, correcting overcharge on license....	77
issues license, &c.....	12
reports to auditor.....	13
certifies errors and insolvencies to auditor.....	36
certifies tax book.....	39
gives notice to delinquents.....	51
attends land sale.....	53
makes certificate of land sale.....	55
conveys title.....	59
pays redemption money.....	61
empowered to order sale of land.....	49

**PROPERTY—**

by whom listed.....	24
of corporations, by whom returned.....	25
fairly assessed.....	38

**PUBLIC SCHOOLS—**

appropriation for.....	80
------------------------	----

**PUBLIC DEBT—**

interest on.....	81
------------------	----

**QUORUM—**

a majority of county commissioners, constitute.....	184
---	-----

**RAILROADS—**

drawbridges over, must be opened on signal from steam- boats.....	121
returns to auditor under oath.....	25

**RAILROADS—CONTINUED—**

property by whom assessed and valuations by whom made.....	27
return real estate to assessor.....	28

**RANDOLPH COUNTY—**

5th circuit, time of holding.....	151
-----------------------------------	-----

**RATE OF TAXATION—**

for use of State, &c.....	5
---------------------------	---

**REAL ESTATE—**

how described.....	28
recovery of by mortgagees or assignees.....	104

**RECORD—**

of vendor's contract, conditional sale of railroad equipment and rolling stock .....	83
to provide for substitution of indictments by grand juries, if lost or destroyed.....	98
of report of property exempted to widows and minors..	115

**REDEMPTION—**

of lands.....	59
certificate of.....	61
who may redeem and when.....	63
right of; forfeited.....	64

**REFUNDMENT—**

amounts overpaid on licenses.....	76
in counties where prohibitory laws were afterwards passed.....	91

**REGISTER IN CHANCERY—**

not permitted to practice law.....	119
special charge of judge.....	120
to certify number of days sheriff attended chancery court.....	94

**RELIEF—**

to maimed and disabled soldiers.....	157
--------------------------------------	-----

**RELINQUISHMENT—**

widow's dower, how made.....	126
------------------------------	-----

**REMOVAL—**

of prisoners, appropriation for.....	80
--------------------------------------	----

**RENTALS—**

may be received as purchase money contract for railroad equipment, &c.....	84
--	----

**REPAIRS—**

capitol building, appropriation for.....	80
Deaf, Dumb and Blind Asylum.....	124

**REPEAL—**

act approved Dec. 12, 1884, benefit of sheriffs.....	106
sections 3149 (2802), 3151 (2804), 3153 (2806) of the Code.....	137
act approved February 12, 1883, fees arising from fines against defaulting witnesses.....	89
section 3801 of the Code.....	91
518, 519, 520 and 521.....	73

**REPORT—**

physician to convicts, to make monthly.....	184
inspectors of convicts to make solicitor, of any violations,	193

**REPORTER, SUPREME COURT—**

salary of.....	79
----------------	----

**RESIDENCE—**

president and clerk board of inspectors of convicts, place of.....	194
---	-----

**REVENUE LAWS—**

agents responsible for tax.....	68
amendments to subdivision 16, section 14.....	70
to subdivision 4, section 14.....	71
appeals to circuit court from decree of probate court...	54
assessments to be fairly made.....	38
assessor, duty as to property returned.....	22
when he raises valuation notifies tax payer before making report.....	22
administers oath, form of.....	23
enquires as to items and details of property....	23
if not satisfied with return, assesses from infor- tion.....	23
elected or appointed.....	30
bond and duties.....	30
oath of office.....	30
gives notice of appointments to assess.....	30
makes demand on delinquents.....	31
enters property on blanks.....	31
delivers list to commissioners.....	31
duty, as to property of unknown owners.....	31
duty, when he fails to obtain lists.....	32

## REVENUE LAWS—CONTINUED—

assessor, makes condensed statement of taxable property in book . . . . .	32
delivers book to judge of probate . . . . .	32
duty, as to poll tax . . . . .	33
makes lists of lands and owners names . . . . .	33
appoint deputies . . . . .	33
assesses escaped taxes . . . . .	33
duty, as to absconding tax payer . . . . .	33
duty, when returns are not made by persons, companies, or corporations . . . . .	33
purchases books, &c. . . . .	67
commence and complete assessments . . . . .	34
returns assessment book, when . . . . .	34
commissions . . . . .	34
fees for demand . . . . .	36
commissions on poll tax . . . . .	36
reports escaped taxes . . . . .	38
suspended by governor for cause . . . . .	34
attorney general, member of board to assess railroad property . . . . .	27
advises board . . . . .	27
decides tie vote . . . . .	27
furnishes forms of conveyance . . . . .	59
auditor, ascertains value of railroad property, when no return . . . . .	26
member of board to assess railroad property . . . . .	26
notifies assessors of assessment of railroad property . . . . .	28
sends same notice to superintendents of railroads, duty as to telegraph companies . . . . .	28
duty as to sleeping cars . . . . .	29
duty as to telephone companies . . . . .	29
furnishes blank licenses . . . . .	41
furnishes assessor with list of lands bid in for State . . . . .	55
keeps book for entry of lands bid in . . . . .	62
makes sale of lands . . . . .	62
enforcement of revenue law . . . . .	64
attorney general advises . . . . .	64
duty to proceed against revenue officers . . . . .	64
publishes and distributes revenue code . . . . .	64
prepares blank forms, . . . . .	65

## REVENUE LAWS—CONTINUED—

auditor, brings suit.....	65
corrects errors.....	68
draws warrant in favor of publisher.....	53
prepares blank licenses, with approval of gov- ernor.....	66
board, to assess railroads, of whom composed....	26
when to meet.....	26
duties, powers.....	27
to keep record.....	27
how to proceed as to valuations.....	27
of compromise.....	69
building and loan associations, property of how returned	11
commissions of certain business taxed.....	9
cotton pickeries, taxed.....	10
collector of taxes, elected or appointed.....	41
bond, where filed.....	41
oath of office.....	42
gives notice of appointments to collect.....	42
gives receipt for taxes.....	42
has stub book.....	43
fills new appointments, after notice.....	43
completes appointments.....	43
makes personal demand.....	43
proceeds against delinquents.....	43
proceeds by garnishment.....	44
fees for same.....	45
reports errors and insolvencies.....	45
when tax payer about to leave, duty.....	45
liable, when.....	45
keeps separate account of poll tax.....	46
reports escaped taxes.....	46
commissions.....	46
mileage.....	46
fees for demand.....	47
makes monthly reports.....	47
makes monthly payments.....	47
accounts to auditor, when.....	47
makes final settlement.....	47
evidence of embezzlement.....	48
suspended by governor.....	48
pays excess back.....	44
levies on real estate.....	44
death of, settlement by executor.....	49

## REVENUE LAWS—CONTINUED—

collector receipts for special tax.....	49
keep money separate.....	49
keep book for defaulters.....	50
oath as to no personal property.....	50
delivers book of delinquents to probate judge...	50
gives notice to delinquents.....	51
attends court with book.....	52
gives notice of sale.....	52
furnishes purchaser with certificate.....	56
same assignable.....	56
purchases books, &c.....	67
commissions of tax collectors.....	46
of tax assessors.....	34
commissioners, county, hold regular terms.....	36
allow errors and insolvencies.....	36
examine assessment book.....	37
give notice that book is ready for inspection, and of meeting.....	37
may increase assessment.....	37
may refuse to receive assessment list....	38
consider escaped taxes.....	38
correct errors, make deductions.....	39
make plot of county.....	40
can compel production of books.....	39
levy county taxes.....	39
definition of terms.....	2
errors and insolvencies.....	45
furnished justices.....	66
exemptions from taxation.....	4
express companies.....	29
returns, how, when and by whom made	30
fees of judge of probate.....	54
judge of probate.....	60
assessor.....	36
collector.....	45
for garnishment.....	44
probate judge, issuing license.....	12
ferries taxed.....	10
gas works taxed.....	10
governor member of board to assess railroad property...	26
aids auditor in matter of blank licenses.....	66
suspends collectors.....	48
insurance companies, tax on.....	9

## REVENUE LAWS—CONTINUED—

insurance companies, property of, taxed.....	7
agents, penalty upon.....	20
agent, who is.....	19
income tax repealed.....	21
lands, bid in for State, when.....	54
subject to sale, when.....	62
subject to redemption.....	55
offered separately.....	55
must not be bid in by collecting officers.....	55
suits for.....	56
purchaser not liable for rents.....	62
proceed against real estate, when.....	44
of ward or minor, by whom listed.....	24
description of, for assessment.....	23
licenses issued by probate judge.....	41
unlawful to do business without.....	12
to whom issued, how.....	12
expire, when.....	13
on steamboats, selling liquors.....	13
race track,.....	13
retailing liquors.....	13
what a retail dealer is.....	14
on wholesale liquor dealers.....	14
compounders of liquors.....	15
distillers of liquors.....	15
brewers.....	15
peddlers.....	15
pawnbrokers.....	15
transient dealers and auctioneers.....	16
bowling alleys.....	16
billiard tables.....	16
pool tables.....	16
dominoes and dice.....	16
bagatelle tables.....	16
on theatres and public halls.....	16
dealers in pistols, guns, &c.....	17
peddlers of medicine.....	17
lightning rod companies.....	17
sewing machine companies.....	17
mercantile agencies.....	18
circus.....	18
menagerie.....	18
side shows.....	18

## REVENUE LAWS—CONTINUED—

licenses, feats of legerdemain.....	18
concerts, &c.....	18
shooting gallery.....	18
chicken or cock-pit.....	18
gypsies.....	18
skating rink.....	18
fortune tellers.....	19
trade boats and supply cars.....	19
drummers.....	19
playing cards.....	19
future contracts.....	19
liens, State preferred.....	68
notice to delinquents, form of.....	51
copy of service.....	51
of land sale.....	52
letters and figures, used in.....	53
penalties on lighting rod companies doing business with-	
out license.....	19
on insurance agents.....	19
tax payers for violating oath.....	23
railroad companies.....	26
officers charged with execution of revenue laws	69
violations not otherwise provided for.....	69
for errors in tax sales.....	56
assessors, collectors and probate judges.....	67
probate judge, issues license.....	12
fee for same.....	12
report licenses to solicitor.....	12
makes report of licenses to auditor, and	
pay license money to State treasurer..	13
certifies errors and insolvencies to auditor	36
furnishes assessment book to commission-	
ers.....	37
certifies tax book.....	39
furnishes abstract of assessments to au-	
ditor.....	40
furnishes tax collector with book of assess-	
ments.....	40
furnishes to assessor list of insurance	
agents.....	41
gives notice to delinquents.....	51
makes decree of sale.....	51
attends land sale.....	53

## REVENUE LAWS—CONTINUED—

probate judge, fees .....	54
makes certificate of land sale .....	55
makes entry of erroneous sale .....	58
delivers deed to purchaser .....	59
conveys title .....	59
fees .....	59
gives certificate of redemption .....	60
deposits money in treasury .....	61
gives notice to collector and assessor ....	62
certifies lands redeemed to auditor .....	61
pays redemption money .....	61
furnishes justices with lists of insolvencies	66
certifies to auditor amounts due State and	
county respectively .....	64
probate courts, have power to sell lands .....	49
property, by whom listed .....	24
of corporations, by whom returned .....	25
assessed at its value .....	67
fairly assessed .....	38
railroads, returns to be made to auditor under oath ....	25
upon failure to make returns auditor values ...	26
property, by whom assessed .....	26
valuations, how made .....	27
return real estate to assessor .....	28
rate of taxation .....	5
real estate, description of .....	23
redemption of lands .....	59
certificate of .....	61
who may redeem, and when .....	63
right of ; forfeiture .....	64
repealing clause .....	21
clause .....	70
sales of land ....	52
invalid, rights of State vest in purchaser ..	56
when erroneous .....	58
secretary of State member of board to assess railroad	
property .....	26
sheriffs duty, &c., as to tax .....	69
suits for land purchased at tax sale .....	56
defendant pays costs, when .....	57
plaintiff, when .....	57
form of complaint .....	58
judgment for owner, when .....	58

## REVENUE LAWS—CONTINUED—

suits, books <i>prima facie</i> evidence.....	58
within five years.....	58
brought by auditor.....	65
stand for trial.....	69
sleeping car companies.....	29
how, when, and by whom re-	
turned.....	30
taxation, rates of, on polls.....	5
for use of State.....	5
taxes, when due and delinquent.....	5
on real estate.....	5
wharves and wharf boats.....	5
toll bridges and ferries.....	5
turnpikes and all passes.....	5
channels and canals.....	5
street railroads.....	5
printing presses and material.....	5
steamboats, &c.....	5
goods, wares and merchandise.....	6
household furniture.....	6
libraries.....	6
jewelry, plate silverware, &c.....	6
pianos and musical instruments.....	6
paintings.....	6
clocks, gold and silver watches.....	6
wagons and vehicles.....	6
mechanical and farming tools.....	6
pistols, dirks and bowie knives.....	6
guns, swords, canes, &c.....	6
cattle, horses and mules.....	6
studs, jacks and jennets.....	6
race horses.....	6
hogs, sheep and goats.....	6
money hoarded.....	7
money loaned, money and solvent credits.....	7
banks and banking companies.....	7
capital of corporations.....	8
investments in bonds.....	8
railroads and property.....	9
all other property, real or personal, not otherwise	
described.....	9
auction sales.....	9
insurance companies.....	9

## REVENUE LAWS—CONTINUED—

taxes, commissions .....	10
cotton pickeries, &c.....	10
telegraph, telephone and express companies.....	10
electric light companies.....	10
sleeping car companies.....	10
loan associations.....	10
salaries, &c., past years. ....	11
building associations.....	11
taxpayers, duty to meet assessors.....	21
renders list of property by items.....	22
swears to same, penalty.....	23
duty to render list under oath.....	23
meet collector.....	25
pay costs, if delinquent.....	25
when insolvent.....	68
tax on property brought into the State after January 1st	22
tax list, by non-resident or infirm person.....	22
may be returned by May 1st.....	23
toll bridges taxed .....	10
treasurer, State, member of board to assess railroad prop-	
erty.....	26
reports defaulting tax collectors.....	47
county, duty as to special tax.....	49
same.....	49
makes reports to auditor and treasurer.....	47
telegraph companies, when, how, and by whom returned	28
return real estate to assessor.....	28
telephone companies, make returns.....	29
return real estate to assessor.....	29
water works.....	10

## RUSSELL COUNTY—

time of holding circuit court.....	107
third circuit, time of holding.....	150

## SALARY—

governor, secretary of state, auditor, treasurer, attorney	
general.....	77
superintendent of education, governor's private secretary,	
recording secretary, office secretary of state, auditor,	
treasurer, superintendent of education, temporary, &c.	78
librarian and marshal supreme court .....	78
assistant librarian, secretary of chief justice, circuit	
court judges, and chancellors .....	79

**SALARY—CONTINUED—**

judge of ninth judicial.....	195
chaplain to convicts.....	196
physician to convicts.....	188

**SALARIES AND EXPENSES—**

arising from management of the convict system, how paid .....	194
---	-----

**SALES OF LAND—**

for payment of taxes.....	52
if invalid, rights of the State vested in purchase.....	
when erroneous.....	58

**SAMPLES—**

of fertilizers, to be drawn for purchasers.....	173
---	-----

**SCHOOLS—**

State colored, Huntsville, appropriation for.....	162
name changed.....	162
public, appropriation for.....	80
board of trustees, State normal, colored race, amended section 1246.....	112
provision for study of hygiene and physiology in public normal, at Marion, how operated .....	113
	123

**SECRETARY OF STATE—**

member of board, to assess railroad property.....	26
salary of.....	77

**SECRETARY—**

governor's private, salary of.....	78
governor's recording, salary of .....	78
chief justice, salary of.....	79
of senate, appropriation for.....	81

**SECURITY—**

form to be given by corporations and non-residents doing business in this State .....	137
---	-----

**SENATE—**

appropriation for mileage and per diem .....	80
appropriation for payment of secretary.....	81

<b>SERVANTS—</b> <i>Turnover servant</i> .....	115
executive officers, compensation of.....	78
chief justice .....	79

**SEWERS—**

Birmingham, authority to extend.....	163
--------------------------------------	-----

**SHACKLES AND CHAINS—**

only to be used by consent of inspectors..... 194

**SHELBY COUNTY—**

seventh circuit, time of holding..... 152

time of holding sixth judicial..... 117

chancery court..... 102

**SHERIFFS--**

duty, &c., as to tax..... 69

penalty for allowing prisoners to be taken from their  
custody..... 136

appropriation to pay claims for removing prisoners, 1883 89

fees in chancery courts..... 94

appropriation to pay claims for removing prisoners, 1884 106

accounts to be examined..... 106

fees for feeding prisoners..... 138

before calling out State troops, must apply to governor.. 143

to make written report to governor, cause, &c..... 144

compensation for removing prisoners..... 166

to file application for fees..... 167

no allowance for guard unless by special order..... 167

order to summon jurors..... 184

failure, evidence of negligence..... 184

delivering convict to contractor to take duplicate re-  
ceipt..... 189

**SOLICITORS—**

fee, prosecuting party violating prohibition law..... 161

to prosecute cases removed from State to United States  
Courts..... 72

when impracticable to appear may designate some attor-  
ney to act for him..... 72

fee, adulteration of liquors..... 140

inspectors of convicts to report any violation to..... 193

**SLEEPING CAR COMPARIES—**

how, when and by whom returned..... 29

**SOLDIERS—**

to prohibit the improper employment of state..... 143

relief of maimed and disabled..... 157

**STAMPS—**

to provide for return of unused to auditor..... 73

**STATIONERY—**

appropriation for..... 79

**STATE—**

agricultural society, appropriation for.....	124
interest on bonded debt and when paid.....	89
where and how paid.....	90
geographical and agricultural survey of.....	120
division of, into nine judicial circuits.....	147

**STATE LAWS—**

on convicts, applicable to counties.....	192
--	-----

**STATE TROOPS—**

to prohibit improper employment of.....	143
---	-----

**STATUTES—**

to provide for revision and codification of.....	146
accurate index to be prepared.....	147
matter not included in revisal.....	147

**ST. CLAIR COUNTY—**

time of holding circuit court.....	85
seventh circuit, time of holding.....	152

**SUIT—**

in case of injury to a minor.....	99
non-residents and corporations suing in this state to give security for costs.....	137

**SUMTER COUNTY—**

time of holding sixth judicial circuit court.....	116
chancery court.....	103
sixth circuit, time of holding.....	151

**SUPERINTENDENT OF EDUCATION—**

salary of.....	78
----------------	----

**SURVEY—**

of state, geographical and agricultural.....	120
--	-----

**TAGS, FERTILIZER—**

prepared by agricultural department.....	172
to be attached to packages.....	173
disposition of fund from sale of.....	174

**TALLADEGA COUNTY—**

time of holding circuit court.....	85
seventh circuit, time of holding.....	152
appropriation for repairs to Deaf, Dumb and Blind Asylum.....	124

**TALLAPOOSA COUNTY—**

5th circuit, time of holding.....	151
-----------------------------------	-----

**TAXES—**

various, see revenue laws.....	5 to 11
on property brought into State after January 1st.....	22

**TAX LIST—**

may be returned by May 1st.....	23
---------------------------------	----

**TAX PAYERS—**

duty to meet assessors.....	21
duty to render list under oath.....	23
pay costs, if delinquent.....	25
when insolvent.....	68

**TELEGRAPH COMPANIES—**

when, how and by whom returned.....	28
-------------------------------------	----

**TELEPHONE COMPANIES—**

return real estate to assessor.....	29
-------------------------------------	----

**TIMBER—**

inspectors of appointed by probate judges.....	132
--	-----

**TIMBER LOGS, &c.**

penalty for cutting loose from bank.....	165
for selling same.....	166

**TITLE—**

to lot north of capitol grounds, to be verified.....	178
University endowment fund ; trustees vested with.....	109
all deeds executed in manner provided by trustees.....	110

**TOLL BRIDGES—**

how taxed.....	10
----------------	----

**TREASURER OF STATE—**

salary of.....	77
member of board to assess railroad property.....	26
reports defaulting tax collectors.....	47
custodian of University endowment fund.....	109
to dispose of uncurrent funds in treasury.....	167

**TREASURER OF COUNTY—**

duty as to special tax.....	49
makes report to auditor and treasurer.....	47

**TRESPASS—**

of stock, under common fence.....	112
-----------------------------------	-----

**TROOPS, ALABAMA STATE—**

appropriation for.....	165
------------------------	-----

**TRUSTEES—**

Board of University endowment fund..... 109

**TUSCALOOSA COUNTY—**

time of holding 6th judicial circuit court..... 117

time of holding chancery court..... 102

6th circuit, time of holding..... 152

**UNIVERSITY OF ALABAMA—**

interest on fund..... 80

endowment to..... 109

title vested in board of trustees..... 109

trustees empowered to prevent trespass..... 110

expenses paid out of..... 111

additional bond..... 111

**VENDOR'S CONTRACT—**

record of conditional sale or lease of railroad equipment,  
&c..... 83

**VESSELS—**

not compelled to take pilot when inside of outer bar,

Port of Mobile..... 126

fees for moving..... 127

**VINCENT, I. H.—**

late treasurer absconded, reward for arrest of..... 163

**WALKER COUNTY—**

6th circuit, time of holding..... 151

time of holding chancery court..... 102

time of holding 6th judicial circuit court..... 117

**WARDEN OF PENITENTIARY—**

compensation of..... 80

**WARDEN PORT OF MOBILE—**

disqualification of..... 127

member board pilot commissioners..... 155

duties of..... 155

**WASHINGTON COUNTY—**

1st circuit, time of holding..... 148

**WATCHMEN—**

at capitol, salary of..... 78

**WATER WORKS—**

how taxed..... 10

<b>WETUMPKA—</b>	
board of inspectors to care for convicts in penitentiary at.	188
<b>WIDOWS—</b>	
relinquishment of dower, how made.....	126
<b>WILCOX COUNTY—</b>	
4th circuit, time of holding.....	150
<b>WINSTON COUNTY—</b>	
time of holding circuit court.....	96
chancery court.....	102
<b>WITNESSES—</b>	
summoned by inspectors of convicts .....	193
<b>YELLOW FEVER—</b>	
to provide against introduction of into Escambia county.	134
duties of probate judge.....	134

# INDEX TO LOCAL LAWS.

---

## ABBEVILLE, TOWN OF—

first week term of circuit court, Henry county.....	725
criminal or civil cases.....	727
location of jail Henry county.....	728
working the streets, etc.....	765
who exempt, etc.....	766

## ACADEMY, EVERGREEN—

to provide for enlargement of.....	312
------------------------------------	-----

## ACADEMY, GREENSBOROUGH—

incorporation of, amended.....	317
officers, of, etc.....	318

## ACADEMY, ASHVILLE—

to incorporate, name of corporators.....	764
facilty, etc.....	765

## ACTS, AMENDED—

strangulated counties, assessment and collection of taxes	197
charter, city of Troy.....	203
to establish separate school districts, Russell county ....	204
to incorporate town of Anniston.....	209
charter Rome and Decatur Railroad Company.....	223
liquor prohibition, Chambers county.....	232
charter, town of Greensboro.....	243
to extend time of payment first installment due by Lee county.....	248
charter of Briarfield Coal and Iron Company.....	255
authorizing commissioners courts of certain counties to district same.....	258
counties excluded.....	259
to change line between DeKalb and Cherokee.....	261
incorporating town of Brownville.....	262
to provide for assessment and collection of taxes in cer- tain counties.....	271

## ACTS AMENDED—CONTINUED—

laying off certain counties into four districts, as regards	
Coosa county.....	317
charter, town of Ozark.....	318
to incorporate city of Tuscaloosa.....	322
to constitute Anniston a separate school district.....	325
to prescribe duties of tax collector Etowah county.....	327
game law as relates to Lowndes county.....	344
to provide for election of county superintendent of edu-	
cation and township trustees so far as relates to coun-	
ties of Cullman and Walker.....	355
protection of fish in certain counties.....	357
better enforce working of public roads, Montgomery	
county.....	361
charter, city of Selma.....	398
collection of taxes, Morgan county.....	400
charter, Cahaba bridge company.....	425
to establish Warrior agricultural district.....	431
to preserve order at camp grounds in certain counties...	452
to vacate and annul charter city of Opelika.....	465
to incorporate Bienville water works supply company...	489
to regulate a system of public instruction, so far as re-	
lates to counties of Franklin and Madison.....	491
to incorporate the district of Opelika and provide for	
government thereof.....	512
to regulate mode of selecting and impanelling grand and	
petit jurors, Mobile county.....	534
charter, city of Uniontown.....	543
to incorporate Alabama and Mississippi coal company,	
and change the name to Corona coal company.....	566
to provide for compensation of jurors, Mobile county..	596
liquor prohibition, counties of Escambia and Monroe...	601
sections 17 and 20 of act to establish a new charter for	
the city of Birmingham.....	601
section 24 of an act to incorporate Mobile railroad and	
harbor company.....	604
liquor prohibition, near Verbena, Chilton county.....	606
to incorporate Greensborough female academy.....	617
sections 1 and 2 of an act defining corporate limits of	
Wetumpka.....	622
and revise charter, town of Oxford.....	635
sections of an act to organize and regulate a system of	
public instruction, so far as relates to Dale county....	648
charter, Stonewall insurance company of Mobile.....	652

## ACTS AMENDED—CONTINUED—

charter, Planters' and Merchants' mutual insurance company, Mobile.....	664
charter name changed to Planters' and Merchants' insurance company.....	667
and extend charter Mobile mutual insurance company..	684
charter name changed to Mobile insurance company....	688
to protect lands from depredation of stock, Bullock county.....	717
liquor prohibition, Dallas county, outside of Selma....	722
liquor prohibition, in certain districts of Limestone and Madison counties.....	723
charter, Washington fire and marine insurance company, Mobile.....	734
charter, Southern university, Greensborough.....	740
sections 1 and 6, authorizing investment of certain revenues in the adjustment of indebtedness in the counties of Chambers, Lee, Pickens and Randolph.....	750
charter, town of Auburn, liquor prohibition.....	766
section 2 of an act to extend limits of the canebrake agricultural district, in Hale county.....	780
section 21 of an act to establish a new charter for town of Marion.....	811
to incorporate Alabama Baptist colored normal and theological school.....	821

**ACTS REPEALED—**

to assess and collect taxes, estate O. S. Prince.....	241
liquor prohibition as regards Batesville.....	241
making Mardi Gras a legal holiday, Montgomery.....	295
requiring publication of legal notices, Marion county...	298
stock running at large, Greene county.....	304
preservation of game, Marion county.....	322
Bibb county.....	324
examination of county offices, jails, &c., Coffee county..	326
separate school district, Madison county.....	329
fees, county treasury, Washington county.....	341
game law, Coosa county.....	345
preventing sale of cotton, Brush Creek Beat, Perry county.....	346
section 4369 of the code, so far as relates to certain counties.....	351
consolidating circuit clerk and treasurer Fayette county.	860

**ACTS REPEALED—CONTINUED—**

to increase jurisdiction of justices of the peace, so far as relates to Jackson county.....	361
section 499 of the code, as to town of Guntersville.....	389
to compromise indebtedness, town of Selma.....	400
sections 3286, 3287 and 3288, provided it shall not apply to certain counties.....	563
to increase criminal jurisdiction of justices of the peace and notaries public, so far as relates to Clarke county, for relief of sheriff of Sumter county.....	564
liquor prohibition within six miles of academy at Perote, stock law, Macon county.....	619
providing for election of county sup't of education, so far as relates to Blount and Madison counties.....	626
former charter, town of Oxford.....	628
liquor prohibition, so far as applies to Batesville.....	646
game law, Tuscaloosa county.....	682
charter, town of Elba, Coffee county.....	716
sections 4 and 5 of act incorporating Southern University, Greensborough.....	717
	741

**ADJUSTMENT—**

of debt on account railroad stock, Pickens county.....	288
--	-----

**ALABAMA CANAL CO.—**

names of corporators.....	677
rights and powers of.....	678
capital stock, toll, &c.....	679
full power to unite with Atlantic and Mexican Gulf Canal Company.....	680

**ALABAMA DISTRICT—**

incorporation of the Samaritan Association of the Methodist Protestant Church.....	683
--	-----

**ALABAMA, STATE OF—**

relinquishing claim to certain lands.....	483
right of way granted Sheffield and Birmingham Railroad Company.....	676

**ALABAMA AND MISSISSIPPI COAL CO.—**

amended, to incorporate and change name to Corona Coal Company.....	366
---	-----

**ALABAMA SAN JUAN MINING CO.—**

authorized to wind up their business.....	711
---	-----

<b>ALA. BAP. COL'D NORMAL &amp; THEOLOGICAL SCHOOL—</b>	
amended, incorporation of, corporators and location....	821
powers of faculty, &c.....	822

<b>ALABAMA STATE TROOPS—</b>	
governor may authorize election of junior second lieutenants.....	835

<b>APPEALS—</b>	
from board of trustees, Russell county.....	206
defendant failing to appear.....	207
City Court Birmingham.....	219
Inferior Court Birmingham.....	221
to Circuit Court Madison and Limestone counties.....	271
Circuit Court Crenshaw county.....	286
from judgment rendered, stock running at large, Greene county.....	303
from mayor town of Brewton to circuit court.....	421
fraud at election, from probate court to supreme court..	430
from judgment mayor's court, town of Attalla.....	435
recorder's decision, district of Opelika.....	515
city of Montgomery.....	561
in case of death of party making.....	562
stock law, Greene county, right of.....	582
from mayor's decision, Jacksonville.....	587
mayor city of Birmingham to city court.....	602
mayor city of Birmingham.....	621
judgment rendered against party failing to prosecute, right of.....	622
from justice's to circuit court, Henry county.....	728
justice of the peace, stock taken up, Perry county	738
mayor's decision, city of Ironaton.....	750
recorder's decision city of Montgomery.....	768
mayor's decision city of Sheffield.....	791
Sheffield to circuit court, assessing damages.....	809
Lowndes county, capitation tax, parties in default, right of.....	820

<b>APPENDIX—</b>	
governor may authorize election of junior second lieutenant of Alabama State troops.....	835

<b>APPLICATION—</b>	
for liquor license, Ozark, Dale county.....	263

<b>APPROPRIATIONS—</b>	
to pay burial expenses of J. M. Vaughan, deceased.....	280

**APPROPRIATIONS—CONTINUED—**

for relief of J. H. Radney, late tax collector of Randolph county .....	311
for relief of James M. Vaughan, deceased .....	754

**APPORTIONER OF ROADS—**

appointed in certain counties for each election precinct ..	504
to file statement, etc. ....	505
Dallas county, duty of .....	509
report to grand juries .....	510

**ASHVILLE ACADEMY—**

St. Clair county, names of corporators .....	764
faculty of .....	765

**ASSEMBLY, GENERAL—**

to pay Robt. Hasson, doorkeeper of the house and W. J. Padgett, doorkeeper of the senate, for articles furnished .....	480
--	-----

**ASSESSORS—**

fees of in strangled counties .....	202
compensation of, Clarke county .....	326
to provide for a board of, Anniston .....	333

**ASSESSMENTS—**

commissioners of, appointed for strangled counties ..	200
of damages, Selma bridge company .....	266
of Randolph county .....	312
Tallapoosa and Pickens counties, re-enactment .....	283

**ATTALLA, TOWN OF—**

new charter, corporate limits .....	433
divided into four wards .....	434
who liable to work on streets .....	445

**ATHENS, TOWN OF—**

election for or against liquor prohibition .....	724
--	-----

**AUDITOR OF STATE—**

commissioners of strangled counties, to report to ....	199
to certify to judge of probate amount collected .....	200
commissioners to report to, amount of special taxes collected each month .....	201
railroad indebtedness of Pickens county, filed with .....	288
commissioner of taxes Randolph county, to report to ..	315
to certify amount to probate judge .....	315

**AUBURN, TOWN OF—**

charter amended, prohibiting sale of liquor.....	766
created a separate school district.....	712
pro rata share of school fund.....	714
election for or against being a separate school district...	715

**AUTAUGA COUNTY—**

repeal of liquor prohibition in certain districts.....	255
to change time of holding chancery court.....	682
township 17, range 16, made a separate school district..	706

**BALDWIN COUNTY—**

railroads running through to keep record of stock killed,	583
relief of J. D. Driesback, sup't of education of.....	610

**BARBOUR COUNTY—**

claims against, advertised by commissioners.....	295
Texasville made into a separate school district.....	526
to regulate recording declarations of exemptions.....	527
beat 5, preservation of game in.....	345
repeal of liquor prohibition, Batesville.....	241
claims against, when presented for payment.....	295
fees of sheriff executing process.....	370
sales by sheriff to be made at Eufaula.....	446
to provide for township trustees of public schools for each township.....	733

**BARRON, JULIA A.—**

as guardian authorized to sell certain lands.....	680
---	-----

**BATESVILLE—**

repeal of liquor prohibition so far as applies to.....	681
--	-----

**BAY SHELL ROAD CO., MOBILE—**

protection of life and property upon the road of.....	392
to punish any person injuring property of.....	392
to prevent animals running at large on road of.....	393
to regulate the use of.....	393
to prevent indecent exposure of person on road of.....	394
to maintain protection against inroads of Bay of Mobile,	394
police powers conferred upon watchmen of.....	395

**BIBB COUNTY—**

repeal of game law.....	324
to incorporate Centreville College.....	680
to regulate irrigation of lands for growing rice.....	647
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

**BIENVILLE WATER SUPPLY CO.—**

to amend, corporators, books of subscription, &c.....	489
right of way, contracts, &c.....	490

**BIRMINGHAM, CITY OF—**

to establish a court of law and equity.....	216
enlargement of rights, privileges, &c., Elyton Land Co.	304
incorporation of water works company.....	415
street railroads.....	305
corporate authorities authorized to borrow money for drainage.....	456
to create a board of education for.....	528
to issue bonds, redeemable when, payment of, &c.....	457
only to be used as specified.....	541
improvement of school building.....	599
to establish a new charter for, amended.....	601
to improve sidewalks, payment assessed against owner..	620
if owner a non-resident, &c.....	621
joint resolution proposing amendment to section 7, pro- viding increased special tax for.....	828

**BIRMINGHAM FEMALE COLLEGE—**

incorporated, powers of, &c.....	575
----------------------------------	-----

**BIRMINGHAM & TENNESSEE RIVER R. R. CO.—**

name changed to Birmingham & Sheffield R. R. Co....	677
---	-----

**BLOUNT COUNTY—**

liquor prohibition in certain parts of.....	207
Blountville created into a separate school district.....	309
election of superintendent of education and township trustees, amended.....	355
requiring fines and forfeitures to be paid in U. S. cur- rency.....	356
repeal of act providing for county superintendent of edu- cation.....	628
authorizing personal representative of late tax collector to recover certain taxes.....	576
descriptive list of cattle shipped from to be filed with justice of the peace.....	814

**BLOUNTVILLE—**

created into a separate school district, funds, etc.....	309
--	-----

**BOARD OF CORPORATORS—**

Birmingham water works Company.....	415
-------------------------------------	-----

**BOARD OF EDUCATION—**

Brownville, creation of.....	347
oath of office, etc.....	348
Birmingham, duties of.....	528
powers of, oath, etc.....	529

**BOARD OF ROADS AND REVENUE—**

Lowndes county, duty of.....	328
charged with work on public roads and bridges.....	817
to appoint agent, styled superintendent	817
to purchase useful appliances, materials etc.....	818
priority of work, etc.....	819
Montgomery county to prescribe rules, etc., amended...	365
clerk of, etc.....	367
Montgomery county may employ a surveyor.....	704
Mobile county superintend registration of electors....	409
to provide suitable forms, &c.....	410
books for registry, copies of lists.....	411
neglect of duty, a misdemeanor.....	414
Mobile county, may issue bonds, when payable, &c....	608
redeemable, how and when.....	609
Dallas county, contract with supervisor, report to, &c...	508

**BOARD OF TRUSTEES—**

Peabody school district, Russell county.....	204
empowered to levy school tax.....	205
president, authority of, secretary, bond, &c.....	206
Greenville Collegiate Institute, powers of.....	281
Godfrey high school, duties of.....	296
elect teachers, fix salaries, &c.....	297
Blountville school district.....	309
authority to levy tax, treasurer, &c.....	310
Cullman school district, subsequent board.....	462
eligibility, &c.....	463
annual report, levy tax, &c.....	464
Opelika Seminary, duties of, &c.....	559

**BOARD OF SUPERINTENDENCE—**

roads and bridges in certain counties, to divide same into precincts.....	501
commissioner assigned each precinct.....	502
to change and open new roads.....	503
powers of, &c.....	504

## BONDS—

Dale county, authorized to issue ; time to run, &c .....	291
registry and sale of .....	292
transferable .....	293
payment of, &c .....	294
Escambia county, authorized to issue ; when redeemable	298
signed by whom, negotiable, value, &c .....	299
to be used only as specified, receivable for taxes .....	300
town of Jacksonville, authorized to issue, interest, &c..	339
when redeemable, outstanding, &c .....	340
Chambers county, receivable for and exempt from taxes	215
Montgomery water works, negotiable, &c .....	229
majority vote of aldermen necessary to issue of .....	230
Brierfield coal and iron company ; right to issue .....	257
Selma bridge company, issue of .....	265
Walker county, authorized to issue ; amount, sale of ....	342
coupons, redeemable for taxes .....	343
Selma, amended ; authorized to issue .....	398
payment of interest on, exempt from taxes .....	399
city railroad company ; issue of .....	408
Shelby county ; issue of, to build court house .....	451
exempt from taxation .....	452
Birmingham, authorized to issue ; receivable for taxes,	
&c .....	457
priority of .....	458
Birmingham, issued for school purposes, amount, &c...	599
sale of, proceeds only used as specified ....	600
coupons, &c .....	608
when redeemed, &c .....	609
record of, value, exempt from taxes .....	610
issue of .....	541
only to be used as specified .....	542
receivable for taxes .....	543
Opelika, adjustment of .....	471
Greensborough female academy, issue of .....	618
exempt from taxes ....	619
Madison county, issue of, for macadamizing roads, &c..	673
Jefferson county, issue of, for repair of jail, &c .....	708
Huntsville, issue of, for water works ; signed by .....	778
Sheffield, authorized to issue .....	804
mortgage to secure .....	806
sanitary .....	806

## BONDHOLDERS—

city of Opelika, advertised for .....	472
---------------------------------------	-----

**BOUNDARY—**

amended; to define limits of Wetumpka.....	623
Lowndes county, change of school district.....	237
amended, to change line between DeKalb and Cherokee	261
amended, to change line between Jefferson and Shelby..	267
amended, Warrior agricultural district.....	431
Greene county, in which stock is prevented running at large.....	300

**BOYD, AMANDA J—**

authorize compensation to, for services rendered by deceased husband .....	710
--	-----

**BOWLING, WM. J—**

release of from bonds of matrimony.....	810
---	-----

**BREWTON, TOWN OF—**

incorporation of, style of government.....	419
--	-----

**BRIDGES—**

Geneva county, to provide for better protection of.....	353
amended, Montgomery county.....	364
Selma, to incorporate.....	264

**BRIERFIELD COAL AND IRON CO.—**

to amend and ratify charter of.....	255
additional powers granted to.....	256

**BROWNVILLE, TOWN OF—**

incorporation amended, election of officers.....	262
create board of education for.....	347

**BULLOCK COUNTY—**

repeal of liquor prohibition within six miles of Perote..	619
to provide against depredation of stock.....	717
for county sup't of education.....	721
appointment of three township trustees, &c.....	733

**BURIAL EXPENSES—**

J. M. Vaughan, dec'd, appropriation to pay.....	280
---	-----

**BURTON, WM. H.—**

empowered to organize Mount Vernon High School....	815
--	-----

**BUTLER COUNTY—**

descriptive list of cattle shipped from, to be filed with justice of the peace.....	814
---	-----

<b>CAHAWBA BRIDGE CO.—</b>	
charter of, amended, revised and renewed.....	425
subscription list, time and place of holding first election,	426
to have a draw.....	428
<b>CAHAWBA, TOWN OF—</b>	
subscription list bridge company opened at.....	425
<b>CALERA—</b>	
court house site, in event of having a majority for, com-	
missioners appointed.....	450
<b>CALHOUN COUNTY—</b>	
amended, to incorporate town of Anniston.....	209
jurisdiction of probate judge.....	213
Oxford, incorporation of fire company.....	257
amended, Anniston created a separate school district...	325
to establish a separate school district township 12, range	
7, and township 12, range 8, Etowah and.....	624
to provide for appointment of three township trustees of	
public schools in each township.....	733
liquor prohibition, to better carry into effect.....	755
<b>CAMP GROUNDS—</b>	
to preserve order at Rutledge, Crenshaw county, amended,	452
Hill Chapel, Montgomery county,	
amended.....	452
Healing Springs, Washington county,	
amended.....	452
rules, regulations, &c., amended.....	453
Clay and Pickens counties, to preserve order at.....	627
<b>CAMP HUNTING—</b>	
to prevent, in Covington county.....	367
<b>CANEBRAKE AGRICULTURAL DISTRICT—</b>	
to amend section 2 and repeal sections 5 and 6 extending	
limits of, in Hale county.....	780
<b>CAPITAL STOCK—</b>	
Brierfield Coal and Iron Co. may be increased.....	257
Selma Bridge Company.....	264
may be increased.....	265
Birmingham Water Works Company.....	418
Cahawba Bridge Company.....	425
Corona Coal Company.....	567
Stonewall Insurance Company, Mobile.....	653
Planters' and Merchants' Insurance Company, Mobile..	664

**CAPITAL STOCK—CONTINUED—**

Alabama Canal Company.....	679
Mobile Insurance Company, Mobile.....	685
Mobile and West Alabama Railroad Company.....	692
Gulf and Mineral Railway Company.....	696
Southern Trust Company, Huntsville.....	753
Jefferson Iron Company.....	484
may increase.....	485

**CARTER, DAVID—**

late sheriff Clarke county, relief of .....	350
---	-----

**CATTLE—**

shipped from certain counties required a description of filed with justice of the peace.....	814
---	-----

**CENTREVILLE COLLEGE—**

incorporated, names of corporators.....	680
rules, regulations, etc .....	681

**CERTIFICATE—**

of Secretary of State that the acts, resolutions and me- morial are exact copies of the originals.....	834
---	-----

**CHAMBERS COUNTY—**

amended, to provide for assessment and collection of taxes	197
created into separate taxing districts .....	197
commissioners appointed by governor .....	198
to collect taxes assessed 1881-2.....	198
to assess for 1883-4.....	200
special tax to pay current expenses.....	201
empowered to borrow money.....	215
relief Thos. W. Green, former tax assessor.....	316
fees of sheriff executing process.....	370
election of commissioners of roads and revenue.....	606
constable beat 8, authorized to execute all papers from justice of the peace.....	607
investment of certain revenues in adjustment of indebt- edness.....	750
no payment to be made until compromise is effected....	751
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

**CHANCELLOR EASTERN DIVISION—**

empowered to remove commissioners of Opelika.....	468
---	-----

**CHARTER—**

amended, city of Troy.....	203
----------------------------	-----

**CHARTER—CONTINUED—**

amended, Rome and Decatur Railroad Company.....	223
town of Greensboro.....	243
town of Ozark.....	318
repeal of present, town of Attalla.....	446
to establish a new, town of Guntersville.....	373

**CHEROKEE COUNTY—**

to exempt from taxes township trustees in.....	254
amended, to change and define line between DeKalb and	261
commissioners of, to have survey made, maps, etc.....	454
requiring fines and forfeitures to be paid in U. S. cur-	
rency.....	356
Coosa river to be a lawful fence through.....	752
Mount Vernon High School incorporated.....	815

**CLAY COUNTY—**

to preserve order at Coldwater camp grounds.....	627
cattle shipped from, a descriptive list of, to be filed with	
justice of the peace.....	814

**CLAYTON, TOWN OF—**

to establish a new charter for.....	576
boundaries, election of officers, &c.....	577

**CLEBURNE COUNTY—**

to provide for appointment of three township trustees of	
public schools in each township.....	733

**CLERK—**

criminal court, Greene county.....	273
circuit court to transfer pending indictments to criminal	
court Greene county.....	275
circuit court, Morgan county, <i>ex officio</i> clerk of county	
court.....	335
circuit court, Morgan county, duties of.....	336
Clarke county, relief of.....	350
repeal of act consolidating Fayette county treasurer and	
circuit court.....	360
circuit court Dallas county, to provide docket.....	371
town of Guntersville, duty of.....	379
to keep record of proceedings...	380
tax sales.....	388
inspectors of elections Mobile to make returns to.....	403
town of Brewton, duties of.....	420
election of.....	262
town of Attalla, corrected copy assessors book filed with	440

## CLERK—CONTINUED—

circuit court Wilcox county authorized to collect.....	475
to furnish statement and pay over to treasurer.....	475
Dallas county, to attend all meetings of jury commissioners.....	494
Dallas county, compensation of.....	500
police board Opelika <i>ex officio</i> tax collector.....	514
copy assessors book filed with.....	519
Mobile, to draw out sufficient number of jurors, &c....	537
give jurors certificate of attendance.....	596
town of Oxford, to keep record, &c.....	639
circuit court, Henry county, office where, to appoint deputy.....	726
town of Somerville, to keep record, &c.....	759
city council Montgomery, unpaid taxes to advertise prop- erty for sale, &c.....	769
city council Montgomery, to give purchaser certificate.. certificate of, authorizes pur- chaser to enter upon.....	771
and register city court of Birmingham appointed by judge.....	217
and register, fees, &c.....	218
to deliver papers, pleadings, &c.....	220

## CHILTON COUNTY—

to change district school school line.....	296
to amend liquor prohibition near Verbena.....	606
to regulate irrigation of lands for growing rice.....	647
cattle shipped from, descriptive list to be filed with jus- tice of the peace.....	814

## CHOCTAW COUNTY—

to fix time of holding chancery court.....	268
to amend section 750 of the code, annual report of treas- urer, &c.....	259
collection and disbursement of fine and forfeiture fund.	337
fees of sheriff for executing process.....	370

## CHURCH—

Springfield Presbytery, incorporation of, powers, &c....	260
Methodist Protestant, incorporation of Samaritan Asso- ciation.....	683

## CITY COUNCIL OF MONTGOMERY—

may purchase property sold for unpaid taxes.....	769
--	-----

**CITY COUNCIL OF MONTGOMERY—CONTINUED—**

right of redemption.....	770
additional powers conferred upon.....	560
right to condemn, for right of way. ....	807
to grade streets, &c.....	561

**CITY COUNCIL OF SHEFFIELD—**

authority to borrow and expend for public schools, not exceeding .....	805
a majority of, required to transact business.....	790
to appoint clerk, treasurer, &c.....	792
marshal and police.....	791
make and adopt by-laws, &c.....	793
remove nuisances, prohibit gambling.....	794
establish cemeteries, parks, &c.....	795
contract for drainage.....	809
arrest with or without warrant.....	796
license, pass inspection laws, &c.....	797
require work on public streets.....	802
grade streets, levy and collect taxes.....	798
borrow money, and issue bonds.....	804
property taxable, exempt, &c.....	799
to levy poll tax, build underground sewers.....	800
sale of property for unpaid taxes.....	800
to establish a sinking fund, fines and forfeitures.....	801

**CITY COUNCIL OF JACKSONVILLE—**

of whom composed, eligibility of officers.....	585
road duty.....	586
prescribe duties of clerk, remove nuisances.....	588
keep up streets and alleys, levy taxes.....	589
make rules and regulations.....	590

**CITY COUNCIL OF SELMA—**

amended, what constitutes a quorum.....	399
---	-----

**CITY RAILROAD COMPANY—**

to validate incorporation, issue bonds .....	408
--	-----

**CLAIMS—**

Escambia county, registration of, against fine and forfeiture fund.....	249
notice of.....	249
when barred.....	249
Franklin county, registration of, against fine and forfeiture fund.....	253

### CLAIMS—CONTINUED—

Marshall county, against fine and forfeiture fund, when barred .....	357
Crenshaw county, due solicitors and clerk from fine and forfeiture fund .....	289
prior to this act, when due .....	290
Barbour county, 1868 to 1874 inclusive, to be presented for payment.....	295
pending against town of Brewton prior to incorporation not effected.....	424

## CLARKE COUNTY—

to fix time of holding chancery court.....	268
to legalize manufacture of wine.....	461
relief of W. W. Daffin, clerk of circuit court, Thos. B. Morris, late clerk, and H. W. Burge and David Carter, late sheriffs.....	350
fees of sheriffs executing process.....	370
repeal of act to increase criminal jurisdiction of justices of the peace and notaries public as relates to.....	564

## CODE, AMENDED SECTIONS—

435, requiring tax assessor Clarke county to perform certain duties.....	325
750, annual report, treasurers of Choctaw and Washington counties.....	259
1544, recommendation for liquor license.....	287
1630, 1631 and 1649, so far as relates to Jefferson county	458
1630, 1631, subdivisions of 1646 and 1649 road duty, as to Greene county .....	464
1632, road law, so far as relates to Dale county.....	352
1632 (1323) road law, so far as relates to St. Clair county	351
1653 (1346) mile posts and sign boards, St. Clair county	354
4927, fees of witnesses in criminal cases, as to Wilcox county .....	597
5028, to reduce fees of register in chancery, as to Madison county.....	614
5030 (3517) to reduce fees of probate judges.....	591
5035, fees, in prosecutions before county courts, as to Pickens county.....	625

COFFEE COUNTY—

repeal of an act to provide for examination of county offices, jails, &c. ....	326
to establish Haw Ridge school district. ....	329
to allow tax assessor commissions on special taxes ....	360

**COLBERT COUNTY—**

election of officers town of Leighton .....	225
liquor prohibition beat 5 .....	228
election for or against liquor prohibition .....	396
sheriff to give notice .....	396
day of election, result, &c. ....	397
Sheffield city authorities, to turn prisoners over to sheriff of .....	802
Sheffield city prisoners may be confined in jail of .....	803

**COLDWATER CAMP GROUND—**

to preserve order at .....	627
----------------------------	-----

**COLLEGE, BIRMINGHAM FEMALE—**

incorporation of faculty, &c. ....	575
------------------------------------	-----

**COLUMBIA, HENRY COUNTY—**

to be determined by election if a term of the circuit court shall be held at .....	726
limits of district .....	727

**COLUMBIANA AND CALERA—**

in nomination for permanent location of court house...	450
--	-----

**COMMISSIONERS—**

appointed by governor to each district of strangled counties .....	198
to take oath and give bond .....	198
to collect taxes assessed for years 1881-2 .....	198
to recognize in Lee county voluntary payments of taxes heretofore made .....	199
to make written report monthly to auditor .....	199
to appoint time and place .....	200
empowered to levy and sell .....	200
to assess taxes for 1883-4 .....	200
to levy a tax to pay current expenses .....	201
to make monthly report to auditor and probate judge of amount special taxes collected .....	201
compensation of .....	202
may be removed by governor, for cause .....	202
to collect poll tax .....	202
vacancies filled by governor .....	203
duties of, in assessing and collecting taxes Pickens and Tallapoosa counties .....	272
appointed by governor for Randolph county .....	313
oath and bonds of .....	313
to assess taxes 1885-6-7 .....	313

## COMMISSIONERS—CONTINUED—

to collect tax to pay current expenses.....	314
report to probate judge.....	314
make assessment for State taxes.....	314
report to auditor.....	315
compensation of.....	316
of districts, Coosa county to be elected for 1888.....	317
term of office.....	317
roads and revenue, Talladega county, to fix compensation of.....	359
appointed to select site for Cahawba Bridge Co.....	427
Warrior agricultural district, of whom composed.....	431
appointed, provided Calera is selected for site of court house.....	450
authorized to erect court house.....	450
to issue bonds.....	451
to do all things needful.....	452
by governor for Opelika district.....	465
to take possession, vacancies, &c.....	466
prepare full list of debts and liabilities...	467
to take all property subject to liens and realize.....	468
sale of property, compensation of.....	469
moneys received, how disposed of.....	469
make detailed statement every six months,	470
matured debts, city bonds, &c.....	471
ascertain value of taxable property.....	472
rate of settlement.....	472
styled police board, Opelika district.....	513
president of, <i>ex officio</i> recorder.....	514
roads and revenues, Chambers county, term of office, &c., election in 1888.....	606
Wilcox county, to provide for compensation of.....	613
of election, city of Ironaton, of whom composed.....	742

## COMPENSATION--

of commissioners appointed by governor to collect taxes in strangled counties.....	202
commissioners appointed to assess and collect taxes in Lee county 1885-6.....	203
registrar, Anniston.....	211
commissioner of taxes, Randolph county.....	316
assessors, Anniston.....	334
commissioners roads and revenue, Talladega county..	359

<b>COMPLAINT—</b>	
against owner of stock running at large, Surles beat....	284
<b>COMPROMISE—</b>	
amended, indebtedness, city of Selma.....	398
<b>CONECUH COUNTY—</b>	
to provide for enlargement of academy at Evergreen...	312
election to ratify liquor prohibition.....	428
fees to probate judge road services.....	732
<b>CONSTABLES—</b>	
Greene county, fees same as sheriff.....	370
Troy beat, Pike county, and beat 21, Jefferson county, may appoint deputies.....	395
that part of Mobile county included in city limits, to provide for election of.....	402
that part of Mobile county, term of office.....	406
beat 8, Chambers county, and beat 4 Henry county, au- thorized to execute all papers or process issued by jus- tice of the peace.....	607
<b>CONTRACTORS, ROAD—</b>	
to furnish apportioners a list of all parties for road duty	505
<b>CONVICT LABOR—</b>	
fine and forfeiture fund Marshall county.....	357
Dallas county, proceeds of, set apart for payment of wit- nesses.....	371
on public roads, Jefferson county.....	709
board of superintendent roads and bridges, Madison, Tal- ladega and Calhoun counties empowered to employ...	503
<b>COOSA COUNTY—</b>	
amended, to lay off into districts, election 1888.....	317
repeal of game law.....	345
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814
<b>COOSA RIVER—</b>	
created a lawful fence, so far as it extends through Chero- kee county.....	752
joint resolution and memorial to Congress asking in- creased appropriation to open.....	831
<b>CORONA COAL CO.—</b>	
name changed from Alabama and Mississippi Coal Co..	566
capital, business, &c.....	567

**CORONA COAL CO.—CONTINUED—**

directors to manage and control the business, office.....	568
restrictions of stockholders.....	569

**CORPORATE AUTHORITIES—**

town of Attalla, of whom composed.....	434
mayor to preside at meetings.....	435
appoint clerk and treasurer.....	436
keep record of proceedings, make by-laws, &c.....	437
prevent introduction of contagious diseases, &c.....	438
open streets, police power, levy and collect taxes.....	439
decision of, to be final.....	441
town of Clayton, of whom composed.....	576
election, powers, &c.....	577
make by-laws, grant licenses.....	578
repair streets, enforce labor, &c.....	579
hear complaints and correct errors of assessment.....	580

**CORPORATE BODY—**

Selma Bridge Co. constituted.....	265
town of Ozark, to make by-laws, regulate markets, licenses, &c.....	320
town of Ozark, building permits, &c.....	321

**COSTS—**

feeding stock, taken up when running at large.....	285
--	-----

**COUNTY COMMISSIONERS—**

to lay off certain counteis into four districts.....	258
Perry county, increased jurisdiction.....	254
Talladega county empowered to borrow money.....	282
obligation and rate of interest.....	282
Dale county to make provisions for payment of bonds..	294
Barbour county required to have section 1, act 177 advertised.....	295
Randolph county, with probate judge, to examine assessment.....	314
power to levy taxes withdrawn.....	314
Clarke county to levy taxes for current expenses.....	326
Walker county authorized to issue bonds.....	342
Washington county, to regulate time of holding court..	347
Perry county empowered to erect houses at place of voting.....	424

## COUNTY COMMISSIONERS—CONTINUED—

Shelby county to levy tax.....	452
Cherokee county to have survey made.....	454
Marion county to regulate compensation of.....	460
Franklin and Madison counties, duty of.....	492
assigned road precincts in certain counties.....	502
to levy and collect taxes, per diem of.....	503
in relation to relief of Z. B. Trammell.....	507

## COUPONS—

Walker county bonds receivable for taxes.....	343
---	-----

## COURT, CHANCERY—

to fix time of holding in certain counties.....	268
Opelika District inventory filed with.....	467
to take jurisdiction.....	468
always open.....	469
Randolph county to fix time of holding.....	501
Autauga county to change time of holding.....	682
city of Montgomery appeal to, from recorder's decision.	768

## COURT, CIRCUIT—

appeal to, from decision board of trustees Russell county	206
defendant failing to appear.....	207
to issue writ <i>ad quod damnum</i> , Gulf and Mineral Rail- way Company.....	700
have jurisdiction, trial of appeal.....	701
judgment, etc.....	702
change of venue.....	705
Henry county to regulate holding and decide where second week term shall be held.....	725
clerks office, where.....	726
limits, etc.....	727
appeals to.....	728
criminal docket, when taken-up.....	729
first week term to be held at Abbeville..	725
second week term to be held at Columbia or Headland, as is decided by election.	725
to transfer pending indictments on adjournment.....	275
cause may be transferred to.....	276
Morgan county, clerk of ex-officio clerk of county court.	335
Dallas county to regulate pay of witnesses.....	371
Mobile county judge to direct completion of jury.....	537
any person charged with capital offense..	538
Macon county stock law, jurisdiction of.....	776

## COURT, CITY—

place of holding and terms of .....	218
original and <i>mesne</i> process .....	219
election of solicitor, appeals from .....	219
powers as to special <i>venires</i> , bill of exceptions, etc. ....	220
appeals to, from inferior courts, temporary adjournment	221
Montgomery to regulate issuance of executions in criminal cases, returnable .....	268
Selma, judge of, member of board to superintend recording deeds, mortgages, etc., Dallas county	273
no compensation .....	273
Mobile judge to direct completion of jury .....	537
Montgomery solicitor of, to attend each term .....	731
judge of, may make order suspending solicitor .....	732
to establish at Birmingham .....	216
judge of, appointed by governor .....	216
when elected .....	217
clerk and register appointed by judge .....	217

## COURT, COMMISSIONERS—

empowered to lessen amount of taxation in Lee county, for years 1881-2 .....	199
power to levy tax to pay current expenses 1883-4, withdrawn from .....	202
Chambers county, authorized to borrow money .....	215
to levy special tax .....	215
vested with full power .....	216
Washington county, to regulate time of holding .....	347
Sumter county, to authorize intendant of Livingston to improve grounds, &c. ....	531
Greene county, to establish stock districts .....	580
Jackson county, to provide for more efficient working of public roads .....	735
make rules and regulations .....	736
Jefferson county, authorized to issue bonds for repair of jail .....	707
authority of, &c. ....	708

## COURT, COUNTY—

Morgan county, judges fees .....	336
Walker county, to issue bonds for building court house ..	342
Wilcox county, relief of from all liability for the use of to establish or abolish districts in which stock may be prevented from running at large .....	531
to hear petitions, &c. ....	532

**COURT, COUNTY—CONTINUED—**

Calhoun county, to better carry into effect liquor prohibition .....	755
section 5035 of the code amended regarding fees in prosecution of cases before, so far as relates to Pickens county .....	625
Madison county, authorized to levy and collect tax to pay bonded debt .....	630
collections to be invested in class "A" State bonds.....	631

**COURT, CRIMINAL—**

Greene county, to establish.....	273
style of and terms.....	273
judge of, appointed by governor.....	274
concurrent jurisdiction with circuit court in certain cases ....	274
judge of, to try laws of a general character.....	275
place of holding, costs and fees.....	276
powers of.....	278

**COURT, SUPREME—**

Birmingham to have appellate jurisdiction.....	221
--	-----

**COURT, PROBATE—**

bonds issued by Mobile county to have seal of.....	609
--	-----

**COURT HOUSE—**

Shelby county, to submit to vote of the people the removal of.....	448
Dale county, authorized to issue bonds to build.....	291
Escambia county, authorized to issue bonds to build....	298

**COTTON—**

sale of, Brush creek beat, Perry county, repealed .....	346
---	-----

**COVINGTON COUNTY—**

to collect and disburse fine and forfeiture fund .....	337
to prevent camp hunting in .....	367
fees of sheriff, executing process .....	370
to provide for election of county superintendent of education .....	721

**CRENSHAW COUNTY—**

to prevent stock running at large in Surles boat.....	284
to regulate fine and forfeiture fund.....	289
amended, to enforce order at Rutledge camp grounds..	452
New Providence academy, liquor prohibition .....	338

**CUSTODIAN—**

proceeds of Dale county bonds..... 293

**CULLMAN COUNTY—**

repeal of section 4369 of the Code ..... 351  
 amended to provide for election of superintendent of  
 education and township trustees..... 355  
 to establish a separate school district in..... 461  
 trustees, duties, &c..... 462  
 descriptive list of cattle shipped from, to be filed with  
 justice of the peace..... 814

**DAFFIN, W. W.—**

clerk circuit court Clarke county, relief of..... 350

**DALLAS COUNTY—**

liquor prohibition, outside of Selma..... 239  
 to provide for re-binding and indexing deeds, mort-  
 gages, etc..... 272  
 to provide for and regulate State witnesses..... 371  
 criminal prosecutions, mileage, etc..... 371  
 regulate drawing of grand and petit juries..... 492  
 provide for more efficient working of public roads... 507  
 divided into four districts..... 508  
 inspection of bridges, etc..... 509  
 to establish districts in which stock are prevented from  
 running at large..... 560  
 liquor prohibition outside of Selma, amended..... 722

**DALE COUNTY—**

authorized to issue bonds to build court house..... 291  
 interest of the people to be consulted..... 293  
 Ozark, town of, charter amended..... 318  
 to establish Haw Ridge school district..... 329  
     Magnolia school district..... 330  
 repeal of section 4369 of the Code..... 351  
 section 1632 amended, road law..... 352  
 amended act, so far as relates to, organizing system of  
     public instruction..... 648  
     repeal of section 37..... 651  
     applies only to..... 652

**DAMAGES—**

Greensboro, town of, jury to assess..... 245  
 Greene county, caused by stock running at large, mode  
 of assessing..... 302

**DAMAGES—CONTINUED—**

Lee county, caused by stock running at large, mode of assessing .....	306
Surles' beat, caused by stock running at large, mode of assessing .....	284
Sheffield, right of way, assessment of.....	807
costs and fine, how paid.....	809

**DEALER, FREE—**

Mary Miller, constituted a.....	350
---------------------------------	-----

**DECATUR, TOWN OF—**

to provide for recovery of taxes, by mayor and aldermen.	569
list of taxes, certified by clerk, as evidence.....	570

**DEBT—**

surety, M. E. Pratt, settled.....	290
Opelika, matured, when paid.....	471

**DEFENDANT—**

Birmingham city court, civil cases, demurrers and pleas.	218
--	-----

**DEKALB COUNTY—**

amended, to change and define line between Cherokee county and.....	261
solicitor for, appointed by governor.....	675

**DIPLOMAS—**

Brownville school, may issue.....	348
-----------------------------------	-----

**DIRECTORS—**

Selma Bridge Company, board of.....	266
-------------------------------------	-----

**DRIESBACK, J. D.—**

Baldwin county, superintendent of education, relief of..	610
empowered to take legal steps.....	611

**DRUGGISTS—**

Marengo county, Jefferson beat, permitted to sell liquor	237
--	-----

**EDUCATION—**

Geneva county, to provide for election of superintendent	267
Brownville, to create board of.....	347
rules, regulations, &c.....	348
separate school for colored pupils.....	349
examination of teachers, disbursements, &c.	349

**ELBA, TOWN OF—**

repeal of act incorporating.....	717
----------------------------------	-----

## ELECTIONS—

Anniston, town of, of officers.....	209
duty of inspectors.....	212
boxes opened and returns made.....	213
Birmingham, of judge city court, when.....	217
solicitors.....	219
Leighton, town of, to provide for, &c.....	225
Jackson county, liquor prohibition.....	226
Chambers county, liquor prohibition.....	232
if against prohibition application dis- missed .....	234
Talladega county, liquor prohibition... ..	234
time and place, mode of voting, &c..	235
Etowah county, liquor prohibition.....	239
time, place, mode of voting, &c.....	240
of commissioners, to lay off certain counties into four districts each.....	258
Brownville, town of, of officers, amended.....	262
teachers .....	348
Dale county, Ozark, town of, liquor prohibition.....	263
Geneva county, of superintendent of education.....	267
Lee county, for or against stock law.....	307
mode of voting.....	308
Coosa county, of commissioners for 1888.....	317
of county superintendents of education and township trustees as to certain counties, amended.....	355
Guntersville, town of, of officers.....	373
notice of, &c.....	374
contest, &c.....	375
Colbert county, for or against liquor prohibition.....	396
day of, result, etc.....	397
Mobile county, of justices of the peace and constables in- cluded in city limits, time of, etc....	402
ballots counted, etc.....	403
result, fees, etc.....	404
Brewton, town of, of officers.....	419
vacancies filled.....	420
Conecuh county, to ratify liquor prohibition.....	428
mode of voting.....	429
returns, etc.....	430
Attalla, town of, of officers, notice, etc.....	434
Shelby county, to decide on permanent location for court house .....	448
Jefferson iron company, of officers, time and place.....	485

**ELECTIONS—CONTINUED —**

Bienville water supply company, of board of directors..	489
Uniontown, city of, of officers.....	544
registration of voters, etc.....	545
oath of inspectors.....	546
disposition of ballots, etc.....	547
Jacksonville, town of, of officers, who eligible, etc.....	585
Chambers county, commissioners of roads and revenue..	607
Lawrence county, within six miles of Moulton, for or	
against liquor prohibition.....	612
time, place, mode of voting, etc.....	613
Greensborough female academy, of trustees, when.....	618
Pike county, of superintendent of education.....	629
Eunola, town of, of officers.....	632
under direction of John T. Martin, jr..	633
Oxford, town of, of officers.....	635
ballots disposition of, contest, &c. ....	636
Lawrence county, near Oakville, for or against liquor	
prohibition .....	658
day of, &c.....	659
who qualified to vote at.....	660
Henry county, to prevent stock running at large.....	660
probate judge to order.....	661
mode of voting, result, contest, &c ...	662
Madison county, to prevent stock running at large.....	660
probate judge to order.....	661
mode of voting, result, contest.....	662
for or against macadamized roads.....	664
Auburn, town of, for or against separate school district..	715
Covington, county of, superintendent of education.....	721
Bullock, county of, superintendent of education.....	721
Athens, town of, for or against liquor prohibition.....	724
result, etc.....	725
Henry county to determine whether Columbia or Head-	
land shall be point of holding second week term of	
circuit court.....	730
next general, for representatives, to decide for or against	
road amendment.....	826
duty of sheriff and other officers.....	827
Secretary of State to certify result to governor.....	828
to be held first Monday in August, 1886, to submit to	
vote of the people, increased special tax for Birming-	
ham.....	828
this section not to apply to Mobile.....	829

**ELECTIONS—CONTINUED—**

mode of voting, result, etc.....	830
governor may authorize election of junior second lieutenants of Alabama State troops.....	835
Ironaton, city of, of officers.....	742
Somerville, town of, of officers.....	756
result, contest, &c.....	757
Macon county, for or against stock law.....	776
mode of voting, result, &c.....	777
Huntsville city of, for or against issue of bonds for improvement of water works, result, &c.....	779
Sheffield, city of, of corporate officers.....	783
who qualified to vote at.....	784
notice of by publication.....	785
duties of inspectors.....	787
result ascertained.....	788
penalty, illegally voting at.....	789

**ELECTORS—**

Mobile county, registration of, &c.....	409
in case of removal or death.....	411
form of oath of.....	412
Shelby county, eligibility of, &c.....	449

**ELMORE COUNTY—**

amended, recommendation for liquor license.....	287
to prevent sale or exchange of seed cotton in certain districts.....	297
to enforce liquor prohibition in certain districts.....	335

**ELYTON LAND COMPANY—**

to enlarge powers of, water works, &c.....	304
aqueducts, &c.....	305
investment of funds.....	306

**ESCAMBIA COUNTY—**

collection of fine and forfeiture fund.....	249
authorized to issue bonds to build court house.....	298
incorporation of town of Brewton.....	419
railroads running through required to keep registry of stock killed or injured.....	584
amended, liquor prohibition.....	601
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

**ESTRAYS—**

Wilcox county stock law, what constitutes.....	534
--	-----

**ETOWAH COUNTY—**

election for or against prohibition.....	239
amended, to prescribe duties of tax collector.....	327
to establish a separate school district.....	624
requirements of teachers, &c.....	625
sale of Gadsden public institute to satisfy mechanics lien	447

**EUFAULA, TOWN OF—**

sheriff's sales to be made at.....	446
------------------------------------	-----

**EUNOLA, TOWN OF—**

to incorporate, boundaries, &c.....	632
-------------------------------------	-----

**EVERGREEN ACADEMY—**

to provide for enlargement of.....	312
------------------------------------	-----

**EXCEPTIONS—**

to rights and privileges granted Birmingham Water Works Company.....	417
---	-----

**EXECUTIONS—**

Birmingham city court, issued in term time.....	222
---	-----

**EXEMPTION—**

Cherokee county, township trustees, from jury duty and poll tax.....	254
Oxford, firemen of.....	258
Barbour county, to regulate recording, declarations of.. description of property, operate as no- tice.....	527
members of fire department in various counties, from jury duty and poll tax.....	528
	624

**EXTENSION OF TIME—**

Lee county, to pay first installment.....	248
---	-----

**FAYETTE COUNTY—**

repeal of section 4369 of the Code.....	351
amended, to provide for election of superintendent of education and township trustee.....	355
repeal of act, consolidating circuit court clerk and treas- urer.....	360
to release Wm. J. Bowling from bonds of matrimony...	810

**FEES—**

Birmingham city court, of clerk and register.....	218
sheriff attending court.....	221
Dallas county, of solicitor.....	239
Greensboro, jury assessing damages.....	247

**FEES—CONTINUED—**

Sumter county, probate judge.....	252
Greene county, jurors and witnesses, criminal court....	278
bonded constables, same as sheriffs.....	370
sheriffs in certain counties.....	370
Lamar county, to fix, of justice of the peace.....	473
enumerated .....	474
Madison county, probate judge.....	591-595
Wilcox county, witnesses in criminal cases.....	597
Madison county, amended, register in chancery.....	614-615
Mobile county, of probate judge, disposition of.....	616
Pickens county, amended, section 5035, prosecution of cases before county court.....	625-626

**FERRY—**

right of Cahawba Bridge Co. to establish, in case bridge is destroyed.....	427
---	-----

**FINANCES—**

Guntersville, town of, to be reported quarterly.....	391
--	-----

**FINE AND FORFEITURE FUND—**

Escambia county, to provide for collection of.....	249
hard labor proceeds.....	250
Franklin county, re-registration of claims against.....	253
to be paid only in legal tender currency.....	321
Greene county, to regulate.....	277
Crenshaw county, to regulate.....	289
Lowndes county, to regulate.....	327
be paid only in legal currency.....	328
Choctaw county, collection and disbursement of.....	337
notice, collection in current funds....	338
Covington county, collection and disbursement of.....	337
notice, collection in current funds....	338
Cherokee county, to be paid only in legal U. S. Currency.....	356
Randolph county, to be paid only in legal U. S. Currency.....	356
Blount county, to be paid only in legal U. S. Currency,	356
Marshall county, to regulate.....	356
how collected.....	357
Wilcox county, to regulate registration of claims.....	475
notice, bidding, &c.....	476
payment only in lawful currency.....	477
to regulate fees of officers of court against	488

**FINE AND FORFEITURE FUND—CONTINUED—**

Dallas county, how paid in.....	512
Uniontown, city of, to regulate.....	557
Geneva county, payable in U. S. Currency.....	563
Sheffield, city of, to regulate.....	801

**FIRE DEPARTMENT—**

members of in various counties exempted from poll tax and jury duty.....	624
---	-----

**FISH—**

amended, protection of in certain counties.....	357
---	-----

**FLEMING, JNO. H.—**

Lamar county, relief of.....	294
------------------------------	-----

**FORM—**

Anniston, town of, of registrar's certificate.....	211
--	-----

**FRANKLIN COUNTY—**

to regulate fine and forfeiture fund of.....	321
amended, to regulate system of public instruction.....	491
justice of the peace, jurisdiction conferred on.....	630
treasurer of, allowed commissions on witnesses' tickets,..	688
relief of Wm. Rollins, ex-tax collector.....	739

**FUND—**

Elyton Land Co., investment of.....	306
Lowndes county, capitation tax, proceeds of to be known as public road and bridge.....	818

**GADSDEN PUBLIC INSTITUTE—**

subject to sale, to satisfy mechanics' lien.....	447
--	-----

**GAME LAWS—**

Barbour county, in force in beat 5.....	345
Bibb county, west of Cahaba river, repeal of.....	324
Coosa county, repeal of.....	345
Marion county, repeal of.....	322
Perry county, in force.....	331
Tuscaloosa, repeal of.....	716

**GATES AND CUTS—**

public roads Montgomery county, amended.....	366
--	-----

**GENERAL ASSEMBLY—**

appropriation to pay burial expenses J. M. Vaughan, deceased, late member of.....	280
for relief of J. M. Vaughan, deceased.....	754

## GENEVA COUNTY—

election of superintendent of education for .....	267
to incorporate town of Eunola .....	632
provide for protection of bridges in .....	353
make fines and forfeitures payable in United States currency .....	563

## GODFREY HIGH SCHOOL—

incorporation of, by-laws and rules .....	296
teachers and salaries of, &c. ....	297

## GOVERNOR—

to appoint commissioners to each district of strangled counties .....	198
may require additional bond from commissioners .....	198
may remove for cause .....	202
may fill vacancies .....	203
appoint by and with consent of senate judge of city court Birmingham .....	216
fill any vacancy .....	217
appoint judge criminal court Greene county .....	274
cancel security notes M. E. Pratt .....	291
appoint commissioners of taxes Randolph county .....	313
may remove and fill any vacancy .....	316
appoint board of commissioners, city of Opelika .....	465
solicitors for counties of Madison, Jackson and DeKalb .....	675
fill vacancies .....	676
appoint aldermen city of Sheffield .....	783
may authorize election of junior second lieutenants Ala- bama state troops .....	835

## GREENSBORO, TOWN OF—

charter amended .....	243
-----------------------	-----

## GREENSBOROUGH SOUTHERN UNIVERSITY—

incorporation of, amended .....	740
---------------------------------	-----

## GREENE COUNTY—

establishment of a criminal court for .....	273
fine and forfeiture fund of .....	276
to make fees of bonded constables same as sheriffs .....	370
fees of sheriff executing process .....	370
sections 1630, 1631, 1646, 1649, amended as to .....	564
districts of, in which stock may be prevented from run- ning at large, when unlawful, &c. ....	581
failure of party summoned to assess damages, a misde- meanor .....	583

**GREENE COUNTY—CONTINUED—**

to provide for appointment of three township trustees of public schools in each township.....	733
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

**GREENVILLE COLLEGIATE INSTITUTE—**

incorporation of.....	281
-----------------------	-----

**GREER, THOS. W.—**

former tax assessor Chambers county, relief of.....	316
---	-----

**GUNTERSVILLE, TOWN OF—**

to establish new charter for, corporate limits.....	373
notice of election, result, &c.....	374
qualifications of officers.....	375

**GULF & MINERAL RAILWAY CO.—**

incorporation of, corporators.....	696
when begin construction, &c.....	697
election of officers, &c.....	698
right of way, build shops, &c.....	699
damages, how assessed.....	700
appeal to next circuit.....	701
road crossings, drawbridges, &c.....	702
issue and negotiate bonds.....	703
secretary's certificate as evidence.....	704
mining powers, &c.....	705

**HALE COUNTY—**

amended, to better enforce working public roads.....	368
fees of sheriff executing process.....	370
disabilities of non-age, Jno. Holbrook, removed.....	604
to authorize township sup't, range 5, east, to lease sixteenth section.....	605
to amend section 2 and repeal sections 5 and 6 of act to extend limits of Canebrake agricultural district in....	780
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

**HART, D. H. AND B. T.—**

Marengo county, relief of.....	605
--------------------------------	-----

**HASSON, ROB'T—**

doorkeeper of the House, to pay for articles furnished General Assembly.....	480
--	-----

**HAW RIDGE SCHOOL DISTRICT—**

establishment of, in Dale and Coffee counties.....	329
--	-----

**HEADLANDS—**

Henry county, to be determined by vote, whether one week term of circuit court shall be held at..	725
limit of district.....	727

**HENRY COUNTY—**

constable beat 4 authorized to execute all papers, process, &c., issued by justice of the peace.....	607
authorizing stock law election in certain districts.....	662
to regulate holding circuit court and determine whether one week of each term shall be held at Columbia or Headlands.....	726

**HILL'S PRECINCT—**

Marengo county, liquor prohibition in force at.....	816
---	-----

**HOGG'S MILLS—**

Autauga county, liquor prohibition in force.....	255
--	-----

**HOLBROOK, JNO.—**

Hale county, relieved from disabilities of non-age.....	604
---	-----

**HOLCOMBE, J. N.—**

acts of, as treasurer of Wilcox county, legalized.....	477
--	-----

**HORSE CREEK PRECINCT—**

Marengo county, liquor prohibition in force.....	816
--	-----

**HUNTSVILLE, CITY OF—**

office of Southern Trnst Co. at.....	754
authorizing issue of bonds, improvement of water works,	778
must be ratified by a majority vote.....	779

**IMPROVEMENT—**

sidewalks city of Birmingham.....	620
-----------------------------------	-----

**INDEX—**

Dallas county, of deeds, mortgages, &c.....	272
---	-----

**INSPECTOR—**

of election, Conecuh county, duty of.....	429
Anniston, duty of.....	212
certificate of.....	213

**INSURANCE CO'S—**

amended charter, Stonewall of Mobile, corporators.....	652
capital stock, &c.	653
business managed by directors.	654
president, salary of sec'y, &c..	655
stockholder's proxy.....	656
corporate existence, &c.....	657

**INSURANCE CO'S—CONTINUED—**

amended charter, Planters' and Merchants' mutual of Mobile .....	664
annual statement, name changed, &c. . . . .	667
amended charter, Mobile mutual of Mobile .....	684
corporation, object, &c. ....	685
amended charter, Washington fire and marine, of Mobile	734
stockholders liability.....	735

**INTENDANT—**

Anniston, to have list of electors posted.....	212
duty, in case of contest.....	214
Livingston, powers of, enlarged.....	251
of camp grounds, Crenshaw, Montgomery and Washington counties, duty of to enforce law and order, amended. ....	453
Clayton, trial of offenders by.....	579

**INTENDANT AND COUNCILMEN—**

Springville, authorized to license livery stables, drays, &c.	391
---	-----

**INTEREST—**

payment of, Dale county bonds .....	292
-------------------------------------	-----

**IRONATON, CITY OF—**

incorporation, divided in four wards .....	741
--	-----

**JACKSON COUNTY—**

election to decide for or against prohibition.....	226
sheriff to give notice.....	226
mode of voting, result, &c.....	227
amended, protection of fish.....	357
repeal of act, increasing jurisdiction of justices of the peace.....	361
solicitor for, appointed by governor.....	675
to provide for more efficient working of public roads...	735

**JACKSONVILLE, TOWN OF—**

to establish new charter for.....	584
style of government, election, &c.....	585
authorized to borrow money.....	339

**JAIL—**

Henry county, parties convicted, confined in, at Abbeville	728
expenses of building.....	730
Jefferson county, repair of .....	707

**JEFFERSON COUNTY—**

to establish city court of Birmingham.....	216
--	-----

**JEFFERSON COUNTY—CONTINUED—**

liquor prohibition, in force in certain districts of.....	231
does not include incorporated towns.....	232
to change line between Shelby county and.....	267
incorporation of Jefferson iron company in.....	484
commissioners court of, to issue bonds for repair of jail..	707
guardians and trustees to invest in bonds.....	708
to provide for working public roads.....	709
beat 21, constable empowered to appoint deputy.....	395
amended sections, who not liable to work on public roads	459

**JEFFERSON IRON COMPANY—**

incorporation of, names of corporators.....	484
capital stock, meeting, &c.....	485
election of officers, business, &c.....	486
right to purchase and construct.....	487
president and directors.....	488

**JOINT MEMORIAL—**

to Congress, soliciting appropriation to complete the im-	
provements of Warrior river.....	824
on what based.....	825
to the President, secretary of war, navy and treasury	
asking recognition of inter-State drill at Mobile and	
aid in accomplishing object in view.....	832
governor requested to forward preable and resolution...	833

**JOINT RESOLUTION—**

soliciting appropriation from Congress to make the Ten-	
nessee river navigable over the Muscle Shoals.....	823
governor requested to transmit copy of.....	823
proposing amendment to section 5, article 2 of the con-	
stitution, taxation.....	826
vote of the people next general election to decide for or	
against road amendment.....	827
result, notice of.....	828
to submit to vote of the people, general election August,	
1886, providing special tax city of Birmingham.....	828
section not to apply to city of Mobile.....	829
result, &c.....	830
in relation to swamp and overflowed lands donated by	
Congress.....	833

**JOINT RESOLUTION AND MEMORIAL—**

to Congress, soliciting increased appropriation to open	
up Coosa river.....	831

**JUDGE—**

City Court of Birmingham, appointed by governor.....	216
when elective.....	217
to appoint clerk and register.....	217
salary of.....	221
Criminal Court Greene county, appointed by governor..	274
salary, powers and authority of... ..	274
may call special jury term.....	276
when disqualified.....	276
prohibited from practicing law....	278
Circuit Court Choctaw and Covington counties, charge of, to grand jury.....	338
Circuit Court Greene county, special charge to grand jury.....	740
Morgan county, fees of.....	336

**JURORS, GRAND AND PETIT—**

City Court, Birmingham.....	219
Winston county, to increase the number, &c.....	337
Mobile, mode of drawing.....	539
to provide, for compensation of.....	596
inquest and all other.....	597
Circuit Court, Henry county, how and when drawn....	726

**JURIES, GRAND—**

Marion county, to regulate drawing of, etc.....	346
---	-----

**JURIES, PETIT—**

Marion county, to regulate and prescribe pay of.....	460
--	-----

**JURIES, GRAND AND PETIT—**

Dallas county, to regulate drawing of.....	492
qualifications, exempts, etc.....	493
excuses, etc.....	496
capital felony.....	497
person unfit to serve, etc.....	498
Mobile county, to regulate drawing and impanelling of..	534

**JURISDICTION—**

of commissioners court, Perry county.....	254
justices of the peace, Madison and Limestone coun- ties.....	271

**JURY—**

trial by, criminal court Greene county, terms.....	274
to decide on election for or against stock law, Lee county	308

**JURY—CONTINUED—**

assessing damages, right of way, Sheffield, how completed.....	808
assessing damages, costs, and how paid.....	809

**JURY COMMISSIONERS—**

Mobile county, duties, etc.....	535
to re-fill boxes.....	540

**JUSTICES OF THE PEACE—**

Greene county, criminal court, may issue warrants, when	278
Lee county, stock running at large, trial before.....	307
increased jurisdiction.....	705
Morgan county, give certificate of release from road duty	358
Jackson county, repeal of act increasing jurisdiction of..	361
Montgomery county, amended, public roads.....	365
Hale county, amended, duty.....	369
Mobile county, to provide for election of, in that part of county included in city limits.....	402
not lawful to make an agreement in ad- vance of trial.....	479
must appoint a place for trial of civil causes.....	404
term of office, etc.....	406
Wilcox county, duty of.....	533
to have jurisdiction in matters of dam- age.....	534
Jefferson county, duty of, public roads.....	459
Lamar county, to fix fees of.....	473
Lowndes county, additional powers conferred on.....	630
Franklin county, additional powers conferred on.....	630
Pike county, increased jurisdiction.....	705
Perry county, duty of, stock taken up running at large.	737
in certain counties, may retain costs, in certain criminal cases.....	631
to keep record of cattle shipped.....	814
return certified copy to probate judge.	815

82

**LAMAR COUNTY—**

relief of John H. Fleming, on account of his marriage to Mahala Jackson.....	294
to fix fees of justices of the peace.....	473
fees enumerated.....	474

**LANDS—**

swamp and overflowed, donated by congress, original field notes taken as basis of adjustment.....	833
--	-----

**LAUDERDALE COUNTY—**

school district boundary line changed .....	237
amended, protection of fish .....	358
descriptive list of cattle shipped, to be filed with justice of the peace .....	814

**LAWS—**

in force in chancery and circuit courts, extended to city court, Birmingham .....	222
--	-----

**LAWRENCE COUNTY—**

Leighton, town of, election of officers .....	225
amended, to provide for election of superintendent of ed- ucation and township trustees .....	355
to authorize trustees to sell sixteenth section of .....	372
election, for or against prohibition in six miles of Moulton. time, place, etc. ....	612 613
in six miles of school- house near Oakville..	658
descriptive list of cattle shipped from, to be filed with justice of the peace .....	814

**LEE COUNTY—**

amended, to provide for assessment and collection of taxes .....	197
amended, made into separate taxing districts .....	197
commissioner appointed by governor .....	198
restricted to collection of taxes, 1881-2 .....	199
voluntary payment of taxes heretofore made to be recognized .....	199
county commissioners empowered to lessen tax- ation of 1881-2 .....	199
county commissioners empowered to assess for 1883-4 .....	200
county commissioners to levy special tax for 1883-4 .....	201
Jno. M. Thompson appointed commissioner to collect taxes for 1885-6 .....	202
Edward W. Soloman appointed commissioner to assess taxes for 1885-6 .....	203
amended, to extend time of payment of first installment due by .....	248
amendment of sections 1 and 6 authorizing investment of certain revenues in adjustment of indebtedness in- curred for railroad stock .....	750

**LEE COUNTY—CONTINUED—**

amendment of sections 1 and 6, compromise, special tax, &c.....	751
to increase jurisdiction of justices of the peace and notaries public <i>ex officio</i> justices of the peace.....	705
amended, charter of town of Auburn.....	766
to provide for repair and improvement of public roads and bridges .....	779
creating town of Auburn into a separate school district.	712

**LICENSES—**

Springville, livery stables, drays, &c., to regulate.....	391
amended schedule of city of Birmingham.....	603
amended, recommendation for counties of Washington and Elmore.....	287
Sumter county, to regulate granting of.....	251
not in compliance with provisions to be void.....	252

**LEIGHTON, TOWN OF—**

election of officers, time and parties to hold elections...	225
---	-----

**LIEN—**

priority of, damage to stock running at large, Crenshaw county .....	284
--	-----

**LIMESTONE COUNTY—**

prohibition law in force, in certain districts of.....	270
amended, prohibition law, in certain districts of.....	723
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

**LINE—**

to change, between school districts in Chilton county...	296
--	-----

**LIVINGSTON, TOWN OF—**

Sumter county, to improve grounds of public square of	531
powers of intendant enlarged.....	251

**LOCATION—**

of Selma Bridge Co.....	264
-------------------------	-----

**LOWNDES COUNTY—**

to regulate fine and forfeiture fund of.....	327
game law amended.....	344
jurisdiction conferred on justices of the peace.....	603
to secure better public roads and bridges, capitation tax	817

**MACON COUNTY—**

fees of sheriff executing process.....	370
repeal of stock law in.....	626
to change boundary line between Tallapoosa and.....	676
stock law in force in beats 4, 5 and 6.....	772
<i>proviso, &amp;c.</i> .....	773
election in other districts, than those defined, for or against	776

**MADISON COUNTY—**

prohibition law in force, within three miles of Liberty church .....	270
prohibition law in force, within three miles of Liberty church, amended .....	723
repeal of act creating New Market school district.....	329
amended, protection of fish in.....	358
to regulate system of public instruction.....	491
fixing fees of register in chancery.....	614
enumerated .....	615
repeal of act providing for election of superintendent of education and township trustees .....	628
authorizing election enforcing stock law in certain districts.....	660
authorizing building macadamized roads and issuing bonds .....	671
authorizing levy of tax to pay bonded debt.....	630
governor to appoint solicitor for.. ..	675

**MAGNOLIA SCHOOL DISTRICT—**

Dale county, to establish .....	330
---------------------------------	-----

**MAGNOLIA PRECINCT—**

Marengo county, prohibition law in force.....	816
---	-----

**MARDI GRAS—**

repeal of act, so far as making it a legal holiday at Montgomery .....	295
--	-----

**MARENGO COUNTY—**

Jefferson beat druggists permitted to sell liquor.....	237
prohibition law in force at Dixon Mills and Hoboken precinct in.....	279
relief of D. H. and B. T. Hart on forfeiture bail bond..	605
prohibition law in force, Magnolia, Horse creek and Hill's precincts.....	816

**MARION COUNTY—**

prohibition law in force, beat 4.....	238
---------------------------------------	-----

**MARION COUNTY—CONTINUED—**

to regulate compensation of commissioners of roads and revenue .....	460
prohibition law in force within three miles of Ebenezer and Smyrna churches .....	280
to regulate pay of petit jurors .....	460
repeal of act, requiring publication of legal notices .....	298
law, for preservation of game .....	322
to regulate drawing of grand juries, &c. ....	346
repeal of section 4369 of the code, so far as applies to ..	351
authorizing sup't of education to give third grade license to teachers .....	716

**MARION, TOWN OF—**

subscription list Cahawba Bridge Co., opened at .....	425
amended section 21, establishing a new charter for .....	811

**MARSHAL—**

Brewton, election of .....	262
powers of .....	423
Attalla, powers of .....	437
Eunola, powers of .....	634
Sheffield, term of office of .....	792
authority of .....	793
Guntersville, duties and compensation of .....	379
Uniontown, powers of constable .....	550
Clayton, powers of .....	579
Oxford, powers of, duties, &c. ....	639
Jacksonville, powers of, salary, &c. ....	587

**MARSHALL COUNTY—**

to regulate fine and forfeiture fund of .....	356
amended, protection of fish .....	358
descriptive list of cattle shipped from, to be filed with justice of the peace .....	814

**MAYOR AND COUNCIL—**

Greensboro, additional powers granted .....	243
to remove unsafe buildings, fines and penalties .....	244
assess damages, remove nuisances, &c. ....	245
Brownville, election of .....	262
Guntersville, to make provision against introduction of contagious diseases, prevent nuisances, &c. ....	382
regulate markets, streets, &c. ....	383

## MAYOR AND COUNCIL—CONTINUED—

Guntersville, licenses, police, &c. ....	384
levy taxes. ....	385
fines, penalties, &c. ....	390
report quarterly condition of finances. . .	391
Brewton, election of. ....	419
to appoint subordinate officers, make laws, &c. .	420
prohibit sale of liquor, levy and collect taxes. .	421
additional powers of. ....	423
Uniontown, government of city consists of. ....	544
absence of mayor, council may appoint acting mayor. ....	548
mayor empowered to call on sheriff for aid. .	549
to assess and collect taxes. ....	553
open streets, build drains, &c. ....	552
license, tax, enumerated. ....	555
Oxford, qualifications, duties, &c. ....	637
to elect other officers. ....	638
make and adopt by-laws. ....	640
regulate licenses, remove nuisances, &c. ....	641
keep up repair of streets, alleys, &c. ....	642
regulate buildings. ....	643
levy and collect taxes. ....	644
tax drummers, &c. ....	645
shows, concerts, &c. ....	646
Auburn, to elect board of education for. ....	712
board to correct assessment list. ....	713
to report to state superintendent. ....	714
Eunola, election of a. ....	633
Somerville, election of. ....	756
vacancies, how filled. ....	757
qualification of, &c. ....	758
compensation of. ....	759
powers and authority. ....	760
pass by-laws, ordinances, &c. ....	761
provide for working streets. ....	762
assess and collect taxes. ....	763
clothed with power and authority to do all things needful. ....	764
Guntersville, election of. ....	374
qualifications, vacancies. ....	375
meetings. ....	376
to hold courts, fees, &c. ....	377

**MAYOR AND ALDERMEN—**

Birmingham, authority of.....	541
to negotiate and sell bonds.....	542
powers vested in, improvement of side-walks, &c., payment assessed against owner.....	620
if owner is a non-resident.....	621
to do all things needful, for improvement of school buildings.....	600
may mortgage to secure bonds issued.....	601
Ironaton, eligibility of.....	741
election of, who qualified to vote.....	742
to pass by-laws, ordinances, levy and collect taxes.....	743
appoint officers and fix their compensation....	744
mayor a conservator of the peace, &c.....	745
to levy taxes on real and personal property....	746
street tax and on sales of merchandise..	747
<i>ex officio</i> constables.....	749
mayor a justice of the peace.....	749

**MAYOR—**

Ozark, powers, duties and fees of.....	319
a justice of the peace.....	321
Jacksonville, to keep registry book of bonds.....	339
may exercise powers of a justice of the peace	586
Sheffield, to preside at meetings of council.....	790
jurisdiction of, &c.....	791
Guntersville, certificate and authority to collect taxes...	386
Brewton, jurisdiction of.....	423
Attalla, <i>ex officio</i> a justice of the peace, salary, &c.....	435
jurisdiction of.....	436
certificate and warrant to collect.....	441
Birmingham, amended, vested with powers of a justice of the peace.....	602
authority and powers of.....	603

**MECHANICS' LIEN—**

Gadsden public institute and lands, subject to sale, to satisfy.....	447
--	-----

**MILLER, MARY—**

constituted a free dealer.....	350
--------------------------------	-----

**MILE POSTS AND SIGN BOARDS—**

St. Clair county, amended act 1653.....	354
---	-----

**MOBILE, CITY OF—**

election of justices of the peace and constables in that part of the county included in limits of .....	402
sheriff to give notice, &c.....	403
inter-State drill, joint memorial praying recognition and aid from President, secretaries of war, navy and treasury .....	832

**MOBILE COUNTY—**

treasurer to certify affidavits.....	291
requiring notaries public ex-officio justices of the peace to exercise jurisdiction within limits of the precincts..	407
registration of electors, form of oath, &c.....	409
certificate of registration.....	410
duplicate list to be deposited with judge of probate prior to election.....	411
registration closes.....	412
to register anew.....	413
prohibiting justices of the peace from making contracts, &c.....	479
to regulate the holding of primary meetings in.....	481
penalty of illegally voting, &c.....	482
vote rejected.....	483
to regulate mode of selecting and impaneling juries....	534
grand and petit juries.....	535
to change mode of compensation, probate judge.....	616
salary, quarterly payments.....	616
amended, to provide for compensation of juries.....	596
authorized to issue bonds.....	608
seal of county required.....	609

**MOBILE BAY—**

Bay Shell road, to maintain proper protection against inroads of .....	394
--	-----

**MOBILE MUTUAL INSURANCE COMPANY—**

charter of, amended and extended.....	684
corporators, object, &c.....	685
secretary, principal office.....	686
certificate of stock, annual statement.....	687
reserve fund, dividends, &c.....	688
name changed to Mobile Insurance Company.....	688

**MOBILE INSURANCE COMPANY—**

name changed to, from Mobile Mutual Insurance Co....	688
--	-----

**MOBILE AND WEST ALABAMA RAILROAD CO--**

incorporation, names of corporators.....	689
main line, branches, &c.....	690
powers vested in board of directors.....	692
proceeds of stock, &c.....	693
may borrow money.....	694
operate telegraph line, &c.....	695

**MOBILE RAILROAD AND HARBOR COMPANY—**

incorporation of, amended, when to commence and finish	604
--	-----

**MONROE COUNTY—**

to fix time of holding chancery court.....	268
to establish districts in which stock prevented from running at large.....	560
prohibition law amended.....	601

**MONTGOMERY, CITY OF—**

repeal of act to make <i>mardi gras</i> a legal holiday.....	295
to establish water works, may issue bonds.....	229
right of way, etc.....	230
to regulate sale of real estate for unpaid taxes.....	767
court, to regulate issuance of executions in criminal cases.	268
to confer additional authority upon corporate authorities.	560
to grade streets, etc.....	561

**MONTGOMERY COUNTY—**

amended, to better enforce working of public roads....	361
to preserve order at Hill Chapel camp grounds.....	452
to provide for a solicitor for.....	730
to authorize board of revenue to employ a surveyor to establish boundary line.....	734

**MORGAN COUNTY—**

descriptive list of cattle shipped from, to be filed with justice of the peace.....	814
amended, protection of fish.....	358
to provide for keeping public roads in better repair....	358
amended, in relation to collection of taxes.....	400

**MORRIS, THOS. B.—**

relief of, late clerk circuit court Clarke county.....	350
--	-----

**MOULTON—**

Lawrence county, election for or against prohibition within six miles of.....	612
---	-----

**MOUNT VERNON HIGH SCHOOL—**

incorporation of, who empowered to organize.....	815
right to acquire and hold property....	816

MUSCLE SHOALS—	
joint resolution asking appropriation from congress for..	823
NEW MARKET SCHOOL DISTRICT—	
Madison county, repeal of act creating.....	329
NOTARIES PUBLIC—	
<i>ex officio</i> justices of the peace, Mobibe, required to exercise their jurisdiction within their precincts.....	407
in certain counties, allowed to retain their costs in certain criminal cases.....	631
increased jurisdiction of, in counties of Pike and Lee...	705
NOTICES—	
repeal of act, Marion county, requiring publication of legal.....	298
of time and place of receiving taxes, Randolph county..	315
OBLIGATION—	
Tallapoosa county, for borrowed money.....	282
OFFICERS—	
eligibility of, city of Troy.....	203
Selma bridge company.....	267
town of Guntersville, prohibited from making contracts for labor or material.....	390
city of Sheffield, unlawful for, to deal in claims.....	802
OMNIBUS BILL—	
prohibition in various districts within the State.....	570
ORIGINAL AND MESNE PROCESS—	
Birmingham city court.....	219
OPELIKA, CITY OF—	
amended, to vacate and annul charter and dissolve corporation of.....	465
OPELIKA, DISTRICT OF—	
amended, to incorporate and provide for government thereof.....	512
boundaries, style of government, &c.....	513
redemption of real estate sold for taxes, deeds, &c.....	523
OPELIKA, SEMINARY—	
to incorporate, board of trustees, &c.....	559

**OVERSEERS OF ROADS—**

Dallas county, duty of, &c.....	510
give notice of time and place to meet...	511
penalty of failure in duty.....	512
Morgan county, custodian of tools, &c.....	359
Montgomery county, amended, duty of, &c.....	363
exempt from jury duty,....	363
compensation.....	365
Hale county, amended, to procure teams, execute orders, &c.....	368
term of service.....	369
Greene county, duty of, &c.....	565

**OWNER—**

of stock running at large, Crenshaw county, may replevy	286
Greene county, liability of....	301
guilty of a mis- demeanor...	303

**OXFORD FIRE CO. NO. 1—**

Calhoun county, incorporation of.....	257
---------------------------------------	-----

**OXFORD, TOWN OF—**

to amend and revise charter of.....	635
who eligible for office.....	637
report of financial condition.....	638
repeal of former charter.....	646
amended charter, to be liberally construed	646

**OZARK, TOWN OF—**

charter amended.....	318
regulations, &c.....	320
mayor of, a justice of the peace.....	321
requirements, necessary to obtain liquor license.	263

**PADGETT, W. J.—**

doorkeeper of the Senate, for articles furnished General Assembly.....	480
---	-----

**PAYMENT—**

of claims, fine and forfeiture fund Escambia county....	249
Dale county commissioners, to make provision for....	294

**PEABODY SCHOOL DISTRICT—**

establishment of.....	204
-----------------------	-----

**PERRY COUNTY—**

increased jurisdiction of commissioners court.....	254
--	-----

## PERRY COUNTY—CONTINUED—

preservation of game, birds specified.....	331
unlawful to have in possession, sell or transport.....	332
repeal of act prohibiting sale of cotton, Brush creek beat	346
county commissioners of, to build houses at places of vo-	
ting.....	424
charter city of Uniontown, amended.....	543
to regulate irrigation of lands, for growing of rice.....	647
to prevent stock running at large, Pole Cat beat.....	736
amended, new charter for town of Marion.....	811

## PICKENS COUNTY—

amended, to provide for assessment and collection of taxes.....	197
created into a separate school district.....	197
commissioner of taxes, appointed by governor.....	198
restricted to collection of State taxes 1881-2	199
additional special tax, to pay current expenses.....	201
amended section 8, providing for assessment and collec-	
tion of taxes.....	271
re-enactment for assessment and col-	
lection of taxes.....	283
adjustment of debt on account of railroad stock, rate agreed on, &c.....	288
compensation of county commissioners.....	613
requiring collection of taxes due and uncollected prior to	456
amended section 5035, as to fees in prosecution of cases before county court.....	625
to preserve order at Unity Grove camp grounds.....	627
to provide for appointment of three township trustees of public schools in each district of.....	733
amended sections 1 and 6, authorizing investment of certain revenues in adjustment of indebtedness for railroad stock subscribed for.....	750
compromise, special tax, &c.....	751
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

## PIKE COUNTY—

to amend charter city of Troy.....	203
constable Troy beat may appoint deputy.....	395
fees of sheriff executing process.....	370
to establish and define boundary line SpringHill school district.....	454

## PIKE COUNTY—CONTINUED—

for the relief of Z. B. Trammell.....	506
to provide for election of superintendent of education and duties of.....	629
to increase jurisdiction of justices of the peace and no- taries public <i>ex officio</i> justices of the peace.....	705
to provide for appointment of three township trustees of public schools in each township.....	733
descriptive list of cattle shipped from, to be filed with justice of the peace.....	705

## PLANTERS' AND MERCHANTS' MUTUAL INS. CO.—

Mobile, amended to incorporate, corporators, objects, &c.	664
directors, annual meeting and office.....	665
certificate of stock, &c.....	666
annual statement and earnings.....	667
name changed.....	667

## PLANTERS AND MERCHANTS INS. CO.—

Mobile, name changed from Planters and Merchants Mu- tual Insurance Co.....	667
--	-----

## POLICE BOARD—

Opelika, commissioners to make and file complete report with.....	472
officers and duties of.....	513
president, <i>ex officio</i> recorder.....	514
authorized to borrow money, give notes, &c:..	525
powers of, &c.....	516
not allowed to contract for work....	526
impose street tax....	517
moneys collected to credit of.....	524
police force, salaries, &c.....	518
levy and collect tax.....	519
corrections of to be final....	520
president of to certify tax book....	521

## POLICE, CHIEF OF—

Montgomery, notice of unpaid taxes to be served by....	768
--	-----

## PRATT, M. E.—

settlement of surety debt of.....	290
-----------------------------------	-----

## PRATTVILLE MALE AND FEMALE ACADEMY—

trustees of constituted <i>ex officio</i> commissioners of educa- tion.....	706
--	-----

## PRIMARY MEETINGS—

Mobile county, to regulate the holding of.....	480
notice of, &c.....	481
ballot, &c.....	482
officers of election, oath, &c.....	483

## PRINCE, O. S.—

repeal of an act, to assess and collect taxes against.....	241
--	-----

## PROBATE JUDGE—

Dallas county, member of board to superintend rebinding deeds, etc.....	273
duty of in drawing grand and petit juries,	494
in case of sickness, etc.....	499
compensation of.....	500
Lee county, to publish result of election stock law.....	308
Randolph county, commissioner of taxes to report to, etc.,	314
Colbert county, to publish election returns, prohibition law.....	397
Mobile county, inspectors of election to make returns to,	403
to fix mode of compensation, to dispose of fees of.....	616
penalty of failure by justice of the peace to deliver docket to.....	406
duplicate registration list deposited with,	411
compensation of.....	414
copies of lists returned to.....	415
to deliver key of the jury box to city court.....	536
Conecuh county, order election, prohibition law.....	429
election frauds tried by.....	430
to be allowed fees for public road service.....	732
auditor to certify to, amount of taxes collected in straggulated counties.....	200
commissioners to file assessments 1883-4 with.....	201
examine and correct...	201
commissioners to report monthly amount special tax collected.....	201
to have jurisdiction, election of officers, Anniston.....	213
Chambers county, bonds to be signed by.....	215
prohibition election, action of.....	233
Jackson county, restrained from issuing license until result of prohibition election is known...	227

## PROBATE JUDGE—CONTINUED—

Talladega county, prohibition election, duty of.....	236
Etowah county, prohibition election ordered by.....	240
Sumter county, authorized to grant liquor license.....	252
fees of.....	252
Dale county, penalty, unlawfully issuing license.....	263
Shelby county, to order election to decide on location of court house.....	448
bonds issued, to be signed by.....	451
Greene county, stock law petition filed with.....	580
Madison county, amended, fees of.....	591-4
to receive no other than specified fees..	595
stock law, in certain districts, to order election.....	662
to sign bonds issued to build macadam- ized roads.....	673
result of election recorded by.....	674
Lawrence county, prohibition election, to publish result.	659
Henry county, stock law, to order election in certain dis- tricts.....	662
to order election whether Columbia or Headlands shall be point of holding 2d week term of circuit court.....	729
Macon county, stock law, to order election in counties not defined.....	776
fees of, etc.....	777
Hale county, extending Canebrake agricultural district, petition filed with.....	780
various counties, to keep on file record of cattle shipped from.....	815

## PROHIBITION, IN FORCE—

Autauga county, at and near Hogg's mills.....	255
Salein camp grounds.....	571
beat 6.....	571
Baldwin county, at and near Bay Minette and Shell Bank church.....	571
Barbour county, at and near Mount Andrew.....	571
Bethsada, Pleasant Grove and Elam churches.....	572
Bibb county, at and near Centreville college.....	681
Blount county, at and near beats 25 and 29.....	207
exceptions.....	208
at and near Blountville school district..	311
Butler county, at and near beat 5.....	572

## PROHIBITION, IN FORCE—CONTINUED—

Calhoun county, within limits of, to better carry into effect .....	755
Chambers county, at and near Buelah church, precinct 9 and beat 7.....	571
Chilton county, at and near Mt. Carmel Baptist church... Methodist and Bap. churches, near Verbena.....	571
Cleburne county, at and near Green's chapel .....	606
Colbert county, at and near beat 5.....	572
Crenshaw county, at and near New Providence academy	228
Mount Pleasant Baptist church.....	338
Dallas county, outside of Selma city limits.....	570
(amended) outside of Selma city limits...	239
Elmore county, at and near Eclectic and Elmore.....	722
Bethany and Friendship Baptist churches.....	335
Escambia county, (amended) within the county of.....	572
Etowah county, at and near Liberty church, Walnut grove and New Castle school house.....	601
Fayette county, within limits of.....	571
Franklin county, at and near Mountain Spring beat....	571
Greene county, at and near Greensborough southern university .....	570
Jefferson county, at and near beats 1, 2, 3 and 17 Hillman's mines and Woodward's coal mines.....	740
does not apply to incorporated towns..	231
at and near Coalburg coal and coke company .....	232
beat 12 and Bibb branch coal and coke company, not including any corporated town or city.....	571
Lamar county, at and near Nebo, Lebaou, New Hope, Newman's chapel and Vernon Methodist, Emman's Primative Baptist and Bethel Christian churches.....	571
Lee county, (amended) at and near Auburn.....	571
Limestone county, at and near Athens, Elkmont public schools.....	766
	270

## PROHIBITION, IN FORCE—CONTINUED—

Limestone county, (amended) Athens, Elkmont public schools .....	723
at and near Pettusville .....	570
Madison county, at and near Liberty church .....	270
amended, at and near Liberty church..	723
Bethlehem, Shady Grove, Union Chapel, Sharon, Beaver Dam and Forest Chapel churches .....	570
Marengo county, at and near Jefferson beat, exception..	237
Dixon's mills and Hoboken precincts .....	279
Magnolia, Horse creek and Hill's precincts .....	816
Marion county, at and near beat 4 .....	238
Ebernezer and Smyrna Methodist churches .....	280
Mobile county, at and near Churchula .....	571
Monroe county, at and near within limits of .....	601
Pike county, at and near Springfield and Mount Pleasant Baptist churches .....	571
Russell county, at and near Jernigan .....	269
Seale .....	570
Hurtsboro .....	571
Shelby county, at and near beat 3, 7 and Beulah church.	571
St. Clair county, at and near Ashville .....	571
Sumter county, at and near York and Cuba beats .....	571
Talladega county, at and near Fayetteville and Antioch church .....	570
New Lebanon Presbyterian church & Baptist church near Mumford .....	571
Tallapoosa county, at and near Elam and Tallapoosa churches, Providence church, Rhodes Chapel and precinct 8 .....	570
Tuscaloosa county, at and near Hopewell, Bethany and Sardis Baptist churches.	570
Walker county, at and near Zion and Shady Grove churches and Jasper beat	341
Corona coal mines .....	570
Providence church .....	571
Barbour county, repeal of, as regards Batesville .....	241

## PROHIBITION, IN FORCE—CONTINUED—

Bullock county, repeal of, as regards Perote.....	619
Colbert county, election, for or against.....	396
day of election.....	397
domestic wines excepted.....	398
Conecuh county, election to ratify.....	428
Dale county, Ozark, election for or against.....	263
Etowah county, election for or against.....	240
Jackson county, election for or against.....	226
Lawrence county, Moulton, election for or against.....	612
Oakville, election for or against.....	658
Talladega county, election for or against.....	234
exceptions.....	236

## RADNEY, J. H.—

late tax collector Randolph county, relief of.....	311
--	-----

## RAILROADS—

Warrior coal field, right of way.....	208
Rome and Decatur, charter of amended, privileges extended.....	223
Rome and Decatur, right of way, may consolidate.....	224
street, Elyton Land Co. empowered to build.....	305
Mobile and West Alabama, corporators, empowered to locate, &c.....	689
Mobile and West Alabama, main line, build shops, depots, &c.....	690
Mobile and West Alabama, term of lease, right of way. drawbridges, construct steamboats.....	691
Mobile and West Alabama, notice of meeting, organization, &c.....	692
Mobile and West Alabama, reference to paragraphs, borrow money.....	693
Mobile and West Alabama, convict labor, &c.....	694
amended, crossing public roads, Montgomery county....	695
running through Baldwin and Escambia counties, required to keep a book of registry of stock killed or injured.....	366
section master to make record.....	583
	584

## RAILWAY AND MINING CO.—

Gulf and Mineral, names of corporators, construct roads, &c	696
books of subscription opened, &c.....	697
election of officers, &c.....	698
branch roads, shops, &c.....	699

## RAILWAY AND MINING CO.—CONTINUED—

Gulf and Mineral, right of way, damages, &c.....	700
road crossings, &c.....	702
stock call, &c.....	703
certificate of secretary as evidence....	704
commence work, when.....	705

## RANDOLPH COUNTY—

amended, to provide for assessment and collection of taxes	197
created into a separate school district.....	197
commissioner of taxes, appointed by governor.	198
levy special tax to pay current expenses.....	201
provide for assessment and collection of taxes.	312
fix time of holding chancery court.....	501
establish districts in which stock law will be enforced.....	560
amended, relief of J. H. Radney, late tax collector....	311
commissioner of taxes appointed by governor.	313
finances and forfeitures to be paid in U. S. currency.	356
fees of sheriff executing process.....	370
amendment of sections 1 and 6, investment of certain revenues in adjustment of indebtedness railroad stock subscribed for.....	750
amendment, compromise of indebtedness, special tax, &c	751
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

## RATLIFF, JERE—

to authorize personal representative of, to recover certain taxes.....	576
--	-----

## RATE—

agreed on in settlement of railroad indebtedness, Pickens county.....	288
---	-----

## RECORDER—

District of Opelika, president of police board conservator of the peace, etc.....	514
appeal from decisions of.....	515
Montgomery city, powers to fine or imprison.....	561
regulating sale of real estate for taxes, duties of.....	767
appeal from decision of, to chancery court.....	768
if irregularity in proceedings.....	770
vested with equity jurisdiction.....	771

## REFUNDED—

- if election in Conecuh county is decided in favor of prohibition, pro rata license money to be..... 430
- cases where licenses have been issued, and later a prohibitory law passed, pro rata license money to be..... 574

## REGISTER IN CHANCERY—

- Madison county, to regulate fees of..... 614
- fees enumerated, etc..... 615

## REGISTRAR—

- Anniston, to provide blanks and forms..... 210
- compensation of..... 211
- affidavit of..... 212
- Mobile, oath of elector before..... 409
- to be present at polling place..... 412
- Sheffield, duties of, affidavits, etc..... 786

## REGISTRATION—

- Anniston, of electors..... 209
- time and place of..... 210
- Mobile, form of oath, etc..... 409
- certificate of..... 410
- closes, etc..... 412
- when void..... 413
- penalty for false..... 414
- copies of lists, returned to judge of probate.... 415

## REQUIREMENTS—

- necessary to obtain liquor license, Ozark, Dale county.. 262

## RESTRICTIONS—

- amended, as to strangulated counties..... 202

## REVENUE—

- amended, as to strangulated counties..... 197
- commissioners appointed by governor..... 198

## RICE—

- growing of, to regulate irrigation of lands for, in counties of Bibb, Chilton and Perry..... 647

## RIGHTS—

- of Oxford Fire Co. No. 1, Cullman county..... 258

## RIGHT OF WAY—

- granted, Birmingham Water Works Co..... 416
- Warrior Coal Field R. R. Co..... 208
- Rome and Decatur R. R. Co..... 224

**RIGHT OF WAY—CONTINUED—**

granted, Brierfield Coal and Iron Co.....	257
Selma Bridge Co.....	266
Elyton Land Co.....	304

**RIVER—**

Coosa, a lawful fence, so far as it extends through the county of Cherokee.....	752
--	-----

**ROADS, PUBLIC—**

Brewton, town of, who liable to work.....	423
Calhoun county, to provide for working.....	501
relief from working on.....	505
expenses, how defrayed.....	506
Dallas county, to provide for more efficiently working of	507
Greene county, amended, persons exempt from working on.....	564
Hale county, amended, to better enforce working of....	368
who liable to work.....	369
Jackson county, to provide for more efficiently working of	735
Jefferson county, amended, who not liable to work....	459
to provide for working of... ..	709
to call out, subject to duty..	460
Lawrence county, to secure better.....	818
board of revenue to purchase applian- ces, material, etc., for working.....	819
damages, how assessed.....	820
may let work by contract.....	821
Lee county, to provide for repair and improvement of..	779
Madison county, to provide for working.....	501
macadamize, etc.....	671
Morgan county, provision to keep in better repair.....	358
Montgomery co., amended, to better enforce working of, when road year begins....	361
necessary teams, etc.....	362
who liable to work.....	363
defaulting hands.....	364
Talladega county, to provide for working.....	501

**ROLLINS, WM.—**

ex-tax collector, Franklin county, relief of.....	739
---	-----

**ROME AND DECATUR R. R. CO.—**

amended charter, privileges extended.....	223
right of way, etc.....	224

**RULES AND REGULATIONS—**

Selma Bridge Co., empowered to adopt..... 266

**RUSSELL COUNTY—**

establishment of a separate school district in..... 204

county authorities relieved, tax levied for school purposes 205

prohibition law in force at Jernigan..... 269

descriptive list of cattle shipped from, filed with justice  
of the peace..... 814

**SALARY—**

of judge of criminal court, Greene county..... 274

probate court, Mobile county..... 616

city court, Birmingham..... 221

**SAMARITAN ASSOCIATION, M. P. CHURCH—**

incorporated, powers of, &c ..... 683

trustees of to make by-laws..... 684

**SANDERS, H. J.—**

executor of J. W. Allmen, deceased, relief of..... 455

**SECRETARY OF STATE—**

certificate of correctness of copy from original of acts.. 834

**SCHOOLS, PUBLIC—**

Anniston, town of, amended, created a separate district.. 325

Auburn, town of, created a separate district..... 712

Autauga county, township 17, range 16, created a separate  
district..... 706

fund, how applied..... 707

Bullock county, to provide township trustees for each  
township ..... 733

Birmingham, city of, plan of education ..... 529

grades, what children admitted... 530

Blountville, created a separate district..... 309

Brownville, board of education of..... 347

Barbour county, Texasville created a separate district... 526

to provide township trustees for each  
township ..... 733

Calhoun county, to provide township trustees for each  
township ..... 733

Cherokee county, to incorporate Mount Vernon high  
school..... 815

Chilton county, to incorporate Godfrey high school... 296

district line to be changed..... 296

Cleburne county, to provide township trustees for each  
township..... 733

## SCHOOLS, PUBLIC—CONTINUED—

Coffee county, to establish Haw Ridge district.....	329
Cullman county, to establish Cullman district.....	461
lay off and establish separate districts.....	624
Dale county, to establish Haw Ridge district.....	329
Magnolia district.....	330
amended, organizing system of public in-	
struction.....	648
terms, pro rata daily attendance.....	649
teachers to keep register, report, &c.....	650
teachers to forward superintendent full re-	
port.....	651
Etowah county, to lay off and establish separate districts.....	624
trustees of, oath, bond, &c.....	625
Franklin county, to regulate system of public instruction.....	491
Greene county, to provide township trustees for each	
township.....	733
Lauderdale county, created a separate district, &c.....	237
Lawrence county, trustees of, empowered to sell sixteenth	
section.....	372
Madison county, repeal of act creating New Market a	
separate district.....	329
to regulate system of public instruction.....	491
Pickens county, to provide township trustees for each	
township.....	733
Pike county, to provide township trustees for each town-	
ship.....	733
to establish and define boundary line,	
Spring Hill district.....	454
Russell county, establishment of a separate district.....	204
Selma, city of, amended, incorporation of Alabama Bap-	
tist colored normal and theological....	821
St. Clair county, to provide township trustees for each	
township.....	738
Sumter county, to provide township trustees for each	
township.....	733
Tuscaloosa, city of, created a separate district.....	718
board of education, powers of, &c..	719
compensation of teachers, funds....	720
examination of applicants.....	721
Tuscumbia, city of, created a separate district.....	811
election of trustees, their duty, &c..	812
who eligible as pupils.....	813

**SCHOOLS, PUBLIC—CONTINUED—**

Walker county, to establish a separate district near Pleasant Hill church..... 336

**SCOTT, J. C.—**

Walker county, transferee of Jesse Chappell, relief, of.. 715

**SCOTT, MRS. P. E.—**

created a corporation sole, &c., name of Birmingham female college..... 575

**SEED COTTON—**

to prevent sale or exchange of, in certain districts, Elmore county..... 297

**SELMA BRIDGE CO.—**

to incorporate, capital stock, location..... 264

tolls, etc..... 265

stockholders liability, right of way, etc.. 266

**SELMA, CITY OF—**

charter amended..... 398

repeal of compromise act..... 400

subscription list, Cahawba bridge company, opened at.. 425

defining police jurisdiction..... 772

**SEMINARY—**

Opelika, incorporation, board of trustees, &c..... 559

**SHELBY COUNTY—**

question of permanent location for court house..... 448

to change line between Jefferson county and..... 267

**SHEFFIELD, CITY OF—**

to incorporate, limits, etc.... 781

police jurisdiction, school district, etc..... 782

governor to appoint mayor and aldermen, election for officers..... 783

provision in case of failure to elect..... 784

registration, etc..... 785

corrected registration list..... 787

prisoners may be confined in county jail..... 803

to preserve health of.... 807

prisoners to work on streets..... 810

**SHEFFIELD & BIRMINGHAM R. R. CO.—**

right of way granted..... 676

name changed from..... 677

**SHERIFF—**

Barbour county, fees of, in justice same as circuit.....	370
sales to be by, at Eufaula.....	446
Chambers county, fees of, in justice same as in circuit court.....	370
Choctaw county, fees of, in justice same as in circuit court.....	370
Clarke county, fees of, in justice same as in circuit court.....	370
relief of H. W. Burge and David Carter, late of.....	350
Colbert county, to give notice of election for or against prohibition.....	396
Covington county, fees of, in justice same as in circuit court.....	370
Dallas county, to summon Jurors, &c.....	495
neglect of duty.....	500
Greene county, fees of, in justice same as in circuit court.....	370
criminal court, duty, fees, &c.....	273
fees of bonded constable same as.....	370
Hale county, fees of, in justice same as in circuit court.....	370
Jackson county, to give notice of election for or against prohibition.....	226
Jefferson county, to attend court Birmingham, fees, &c.....	221
Lawrence county, to give notice of election, Oakville, for or against prohibition.....	658
Macon county, fees of, in justice same as in circuit court.....	370
Mobile county, election inspectors, to make returns to..	403
to summon persons drawn as jurors.....	538
Montgomery county, to deliver appointments, working public roads.....	362
Perry county, fees of, in justice same as in circuit court.....	370
Pike county, fees of, in justice same as in circuit court.....	370
Randolph county, fees of, in justice same as in circuit court.....	370
Shelby county, to give notice of election, for or against removal of court house.....	448
St. Clair county, fees of, in justice same as in circuit court.....	370
Sumter county, fees of, in justice same as in circuit court.....	370
repeal of act for relief of.....	569
Talladega county, to give notice of election, for or against prohibition.....	234
Tuscaloosa county, duty of.....	324
Washington county, fees of, in justice same as in circuit court.....	370

**SIDES, C. M.—**

transferree of Jesse Chappell, Walker county, relief of.. 715

**SINKING FUND—**

Dale county, a part of taxes collected to be set aside  
for a..... 293

**SOLICITOR—**

Birmingham city court, election of, duties and compen-  
sation ..... 391  
appointed *pro tem*..... 222  
• Dallas county, fees of..... 239  
Crenshaw county, claims due, payable out of fine and  
forfeiture fund..... 289  
DeKalb county, to provide for appointment of, duties,  
fees, &c..... 675  
Jackson county, to provide for appointment of, duties,  
fees, &c..... 675  
Madison county, to provide for appointment of, duties,  
fees, &c..... 675  
Montgomery county, to provide for..... 730  
qualifications, duties, &c..... 731  
oath, compensation, &c..... 732

**SOLOMON, EDWARD W.—**

appointed to assess taxes, Lee county, 1885-86..... 203

**SOMERVILLE, TOWN OF—**

to establish a new charter for..... 755  
corporate limits, election of officers, &c..... 756  
result, eligibility, &c..... 757

**SOUTHERN TRUST CO.--**

Huntsville, incorporation of, &c..... 752  
business, capital stock..... 753  
office, where..... 754

**SPRINGVILLE PRESBYTERY—**

incorporated, by whom..... 260

**SPRINGVILLE, TOWN OF—**

authorizing corporate authorities to license livery stables,  
drays &c..... 391

**STOCKHOLDERS—**

Selma Bridge Company, liability of..... 266  
Gulf and Mineral Railway Company, first meeting of.. 698  
Birmingham Water Works Company, right to borrow  
money, &c..... 418

**STOCKHOLDERS—CONTINUED—**

Cahawba Bridge Company, time and place of first meeting.....	426
Jefferson Iron Company, powers of.....	488
Corona Coal Company, annual meetings, additional stock, &c.....	568
Corona Coal Company, restrictions of.....	569
St. Clair Coal Company, election of officers, &c., by...	669
Washington Fire and Marine Insurance Company, liability of.....	735
Southern Trust Company, individually liable.....	753
Stonewall Insurance Company, meeting, &c.....	655
Mobile Mutual Insurance Company, meeting of.....	686
election of directors, &c.....	687
Planters and Merchants Insurance Company, annual meeting, &c.....	665

**STOCK, RAILROAD—**

Mobile and West Alabama Railroad Co., subscription for	693
--	-----

**STOCK LAW—**

Bullock county to provide against depredation by stock.	717
Crenshaw county, Surles beat, in force.....	284
Greene county, in certain districts, in force.....	300
to provide for establishment of districts..	580
boundaries.....	301
Henry county, Lawrenceville beat, in force.....	660
Lee county, several beats, in force.....	306
injured party to take up stock.....	307
election for or against, mode of voting....	308
Macon county, beats 4, 5 and 6 in force.....	772
election for or against, in other districts than those defined.....	776
Monroe county, to provide for establishment of.....	560
Russell county, to provide for establishment of....	560
Wilcox county, to provide for establishment of.....	560
Perry county, Pole Cat beat in force.....	736
Madison county, Huntsville, Meridian, Madison, Trianna, Lanier's and Whitesburg precincts in force.....	660

**STRANGULATED COUNTIES—**

amended, created into separate districts.....	197
commissioners appointed by governor to collect taxes.....	198

**ST. CLAIR COUNTY—**

amended act 1632, road law.....	351
1653, mile posts and sign boards.....	350
fees of sheriff executing process.....	370
to provide for appointment of three township trustees of public schools in each township.....	733
Ashville academy, incorporation of.....	764
descriptive list of cattle shipped from, filed with justice of the peace.....	814

**ST. CLAIR COAL CO.—**

incorporation of, corporators, etc.....	667
business, capital stock.....	668
officers of, annual meeting, etc.....	669
additional stock, notice, etc.....	670

**STONEWALL INSURANCE CO.—**

Mobile, charter amended and provisions extended.....	652
corporate powers, business, etc.....	653
election of officers, qualification of.....	654
annual election, time and place, office, where...	655
certificates of stock, rebate, etc.....	656
dividends, reserve fund, etc.....	657

**SUMTER COUNTY—**

to regulate issuance of liquor licenses.....	251
fees of sheriff executing process.....	370
commissioners court of, empower intendant of Living- ston to improve grounds, etc.....	531
repeal of act for relief of sheriff.....	569
to provide for the appointment of three township trus- tees of public schools in each township.....	733

**SUPERINTENDENT OF EDUCATION—**

Marion county, authorized to issue 3d grade licenses to teachers.....	716
Geneva county, to provide for election of.....	267
Franklin county, compensation of.....	492
Madison county, compensation of.....	492
Pike county, to provide for election of, etc.....	629
Blount county, board of trustees to report.....	310
amended, to provide for election of....	355
Conecuh county, charge of enlargement of academy at Evergreen.....	312
Coffee county, to have joint supervision Haw Ridge dis- trict.....	330

**SUPERINTENDENT OF EDUCATION—CONTINUED—**

Dale county, to have joint supervision Haw Ridge district.....	330
appoint district sup't Magnolia district.....	331
Cullman county, to provide for election of.....	355
Fayette county, to provide for election of.....	355
Lawrence county, to provide for election of.....	355
Walker county, to provide for election of.....	355
Winston county, to provide for election of.....	355
Bullock county, amended, to provide for election of....	721
Covington county, amended, to provide for election of..	721

**SUPERINTENDENT OF ROADS—**

Montgomery county, amended, attend grand jury, duty, etc.....	362
general or special.....	366

**SUPERVISOR OF ROADS—**

Dallas county, to report to board of revenue, etc.....	508
inspect bridges and see that roads are kept in good repair.....	509

**SURVEYOR—**

Montgomery county, board of revenue empowered to employ, compensation, &c.....	734
--	-----

**TALLADEGA COUNTY—**

election, for or against prohibition.....	234
time and place.....	235
precinct 11, prohibition in force .....	269
to fix compensation, of commissioners roads and revenue	359
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

**TALLAPOOSA COUNTY—**

amended, to provide for assessment and collection of taxes.....	197
created into a separate taxing district .....	197
commissioners appointed by governor.....	198
restricted to 1882.....	199
to levy special taxes for current expenses	201
to provide for assessment and collection of taxes.....	271
re-enactment .....	283
to extend time of payment of first installment due by..	478
to change boundary line between Macon county and....	676

## TALLAPOOSA COUNTY—CONTINUED—

repeal of game law in certain districts of.....	716
descriptive list of cattle shipped from, to be filed with justice of the peace.....	814

## TAXES—

Blount county, Blountsville school district may levy....	310
to authorize representative of Jerry Rat- liff to recover certain.....	576
Chambers county, commissioners of, restricted to col- lection for 1881-2.....	198
in default regarded as delinquent...	200
authorized to assess for 1883-4.....	200
special, to pay current expenses....	201
to collect poll.....	202
special, levy of.....	215
special, levy of to adjust indebtedness	751
Cherokee county, township trustees exempt from.....	254
Clarke county, commissioners to levy, for current ex- penses.....	326
Coffee county, assessor of, allowed commissions on special	360
Cullman county, trustees Cullman school district may levy.....	464
Escambia county, special levy of.....	300
Lee county, commissioner of, restricted to collection for 1881-2.....	199
in default, regarded as delinquent.....	200
authorized to assess for 1883-4.....	200
special, to pay current expenses.....	201
to collect poll.....	202
special, to adjust debt.....	751
Edward W. Solomon appointed to assess for 1885-6.....	203
John M. Thompson appointed to collect for 1885-6.....	203
Lowndes county, capitation.....	817
act, goes into effect.....	819
parties in default.....	820
does not apply to parties living in in- corporated towns.....	821
Madison county, authorized collection of, to pay bonded debt.....	630
amount collected, to be invested in class “A” state bonds.....	631

## TAXES—CONTINUED—

Madison county, authorized to levy and collect, for building macadamized roads.....	674
Morgan county, amended, in relation to collection of...	400
Pickens county, commissioner restricted to collection for 1882.....	199
in default regarded as delinquent.....	200
to assess for 1883-4.....	200
special to pay current expenses.....	201
adjust debt.....	751
to collect poll.....	202
re-enactment to assess and collect.....	283
collected by commissioner.....	456
Randolph county, to provide for assessment and collection of.....	312
assessed for 1885-6-7.....	313
power of commissioner to levy, withdrawn.....	314
commissioner to make assessment for State.....	314
in default, regarded as delinquent.....	315
to collect poll.....	316
collections made by any other than commissioner to be void.....	316
special, to adjust debt.....	751
Tallapoosa county, commissioner restricted to collection for 1882.....	199
in default, regarded as delinquent.....	200
to assess for 1883-4.....	200
special, to pay current expenses.....	201
to collect poll.....	202
repeal of, against estate of O. S. Prince.....	241
obligations for money borrowed, receivable for.....	282
special levy.....	283
special levy.....	478
re-enactment to assess and collect.....	283
Strangulated counties, created into separate districts....	197
commissioners appointed by governor to collect.....	198
Walker county, special, to pay bonds.....	343
coupons of bonds receivable for.....	343
to extend time of assessing and collecting.....	458

**TAXES—CONTINUED—**

Decatur, city of, to provide for recovery of by mayor and aldermen.....	569
list of, certified by clerk as evidence....	570
Birmingham, city of, bonds and coupons issued by, receivable for.....	457
Montgomery, city of, to regulate the sale of real estate for unpaid.....	767
unpaid after 30 days, judgment with costs.....	768
clerk to give certificate to purchaser....	769
if irregularity in proceedings.....	770
right of redemption.....	770
Opelika, city of, collection of.....	470
who authorized to assess and collect....	473
force and effect of a judgment.....	520
Sheffield, city of, council to levy and collect.....	798
property taxable, exempts from.....	799
priority lien, sale of property for unpaid redemption, how made.....	800
Uniontown, city of, assessment and collection of.....	553
sale of property for, right of redemption.....	556
levy of poll, etc.....	558
Anniston, town of, to provide for board of assessors....	333
Brewton, town of, levy of.....	421
assessment, exemptions, etc.....	422
Clayton, town of, to levy, assess and collect.....	579
Guntersville, town of, levy and assessment of.....	385
force and effect of a judgment....	386
if not paid, collector to seize and sell.....	387
power to collect under provision of code.....	389
Ironaton, town of, to levy and collect.....	743
on real and personal property.....	746
limited to.....	747
force and effect of a judgment, notice of sale.....	748
Jacksonville, town of, may levy, force and effect of a judgment.....	590
redemption.....	591
to pay principal and interest on bonds.....	340

**TAXES—CONTINUED—**

Oxford, town of, to levy and collect.....	644
force and effect of a judgment.....	645
Somerville, town of, to levy and assess.....	761
limited to.....	762
force and effect.....	763

**TAX ASSESSOR—**

relief of Thos. W. Greer, former, of Chambers county..	316
compensation of, Clarke county.....	326
to provide for, Anniston.....	333
liabilities of, duties and compensation...	334
of Coffee county, allowed commissions.....	360

**TAX COLLECTOR—**

relief of J. H. Rodney, late, of Randolph county.....	311
Etowah county, to prescribe duties of, amended....	327
Morgan county, J. M. Smith, in relation to, amended...	400
Russell county, duty of.....	205
Attalla, town of, to make personal demand, etc.....	442
Opelika, district of, authorized to assess, etc.....	473
Baldwin county, D. A. Monial, having failed to pay over portion of school fund.....	610
relief of Wm. Rollins, ex, Franklin county.....	739

**TELEGRAPH LINES—**

Mobile and West Alabama R. R. Co., empowered to operate.....	696
---	-----

**THOMPSON, JNO. M.—**

appointed commissioner to collect taxes 1885-6 for Lee county.....	203
compensation of.....	203

**TRAMMELL, Z. B.—**

for relief of.....	506
--------------------	-----

**TREASURER—**

city of Montgomery, duty of in relation to water works.	230
when in doubt.....	231
Escambia county, to give notice of amount on hand be- longing to fine and forfeiture fund..	250
Franklin county, authorized to use funds.....	253
allowed commissions on witness tick- ets.....	688
Choctaw county, amended, annual report of.....	259
Washington county, amended, annual report of.....	259
repeal of act establishing fees, etc.	341

**TREASURER—CONTINUED—**

Crenshaw county, to keep record claims against fine and forfeiture fund.....	289
Dale county, duty of.....	293
Walker county, custodian of proceeds of bonds.....	342
Greene county, required to refund to H. J. Sanders money paid by him.....	455
Wilcox county, duty as to fine and forfeiture fund, &c..	476
acts of J. N. Halcombe legalized.....	477
Mobile county, bonds issued by, to be delivered to.....	610

**TREASURER OF STATE—**

authorized to refund license money, cases where prohibition laws, passed after issuance of license.....	574
---	-----

**TROY, CITY OF—**

charter amended, eligibility of mayor and aldermen....	203
--	-----

**TRUSTEES OF PUBLIC SCHOOLS—**

amended, appointment of in certain counties.....	355
Lawrence county, authorized to sell 16th section.....	372
Warrior district, consists of whom, may levy tax, locate schools, &c.....	598
buy lands for building.....	599
Greensborough Female Academy, of whom composed, &c	617
authorized to issue mortgage bonds, &c.....	618

**TUSCALOOSA, CITY OF—**

amended, authority to mayor and aldermen.....	322
persons in default of fine to work on streets..	323
constituted a separate school district, limits, &c	718

**TUSCUMBIA, CITY OF—**

created into a separate school district.....	811
authorities to levy and collect taxes.....	812

**UNIONTOWN, CITY OF—**

charter amended, corporate limits, &c.....	543
government to consist of.....	544
registration of voters, &c.....	545
oaths of inspectors and clerks.....	546
disposition of ballots, &c.....	547
penalty for illegally voting.....	548

**UNITY GROVE CAMP GROUNDS—**

Pickens county, preservation of order at.....	627
---	-----

UNIVERSITY, SOUTHERN—	
Greensborough, amended charter, prohibition, &c.....	740
VAUGHAN, J. M., DECEASED—	
appropriation for burial expenses of.....	280
relief of.....	754
VINCENT, I. H.—	
defaulting treasurer, settlement of surety debt, M. E.	
Pratt, bondsmen of.....	290
WADE, J. N.—	
amended, surety for J. M. Smith, tax collector Morgan	
county.....	400
WALKER COUNTY—	
to form a separate school district near Pleasant Hill church	336
prohibition in force in certain districts of.....	341
commissioners of, authorized to issue bonds, amount, &c	342
special tax for payment of bonds....	343
repeal of section 4369 of the Code.....	351
amended, election of superintendent of education and	
township trustees.....	355
to extend time for issuing and collecting taxes.....	458
for relief of J. C. Scott and C. M. Sides.....	715
WARRIOR AGRICULTURAL DISTRICT—	
amended, to establish, boundaries, &c.....	431
outside fence, damage by stock.....	432
penalty and proceeds of sale .....	433
WARRIOR COAL FIELD RAILROAD COMPANY—	
right of way granted.....	208
WARRIOR RIVER—	
joint memorial to Congress asking appropriation to com-	
plete improvements of.....	825
WARRIOR, TOWN OF—	
not included in prohibition law, Jefferson county.....	232
constituted a separate school district.....	598
WASHINGTON COUNTY—	
section 750 of Code amended, as to.....	259
amended, recommendation for license.....	287
repeal of act establishing fees for treasurer.....	341
to preserve order at Healing Springs camp ground.....	452
to regulate time of holding commissioners court.....	347
fees of sheriff for executing process.....	370
descriptive list of cattle shipped from, to be filed with	
justice of the peace.....	814

<b>WASHINGTON FIRE AND MARINE INSURANCE CO—</b>	
Mobile, charter amended.....	734
stockholders liability.....	735
<b>WATCHMAN—</b>	
Bay shell road company, police power conferred on ....	395
<b>WATER WORKS—</b>	
Montgomery, to provide for right of way.....	229
mortgage, bonds negotiable, treasurer	230
charges and collections.....	231
Greensboro, charter amended, authorized to construct ..	243
Elyton Land Company, authorized to construct.....	304
Birmingham, incorporated, board of corporators, busi-	
ness, &c .....	415
reservoirs, &c .....	416
notice of petition, damages assessed.....	417
penalty of interfering with rights of, &c..	418
Huntsville, bonds issued for improvement of.....	778
<b>WETUMPKA, CITY OF—</b>	
amended, to define corporate limits.....	622
to have jurisdiction over cemetery.....	623
<b>WILCOX COUNTY—</b>	
to regulate fine and forfeiture fund of.....	475
legalize acts of J. N. Holcomb, as treasurer of.....	477
regulate fees of officers, fine and forfeiture fund.....	488
stock running at large.....	531
claim of damages, &c.....	533
to establish districts, preventing stock running at large	
in .....	560
amended section, witnesses fees in criminal cases.....	597
to provide for extraordinary work on public roads.....	611
descriptive list of cattle shipped from, to be filed with	
justice of the peace.....	814
to legalize act for relief of court of revenue.....	401
<b>WINSTON COUNTY—</b>	
to increase number of grand and petit jurors in.....	337
repeal of section 4369 of the code, as to.....	351
amended, election of superintendent of education and	
township trustees.....	355
<b>WINE—</b>	
to legalize manufacture of, in Clarke county .....	461
<b>WITNESSES—</b>	
Dallas county, to regulate pay of.....	371
fees taxed against defendant, &c.....	372

# OFFICERS AND MEMBERS

## OF THE

# ALABAMA SENATE,

### SESSION, 1884-5.

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#### OFFICERS:

THOS. SEAY, President,.....Greensboro, Ala.  
 WM. L. CLAY, Secretary,.....Huntsville.  
 THOS. H. CLARK, Ass't Sec'y,.....Montgomery.  
 WILSON P. HOWELL, Enrol'g and Eng. Clerk..Oak Level.  
 W. J. B. PADGETT, Door-Keeper, .....Holly Tree.  
 JOHN A. ROBINSON, Assistant Door-Keeper,...Hayneville.

1st District—	R. T. Simpson,.....	Florence, Ala.
2	“ James Jackson.....	Tuscumbia.
3	“ C. F. Hamill.....	Blountsville.
4	“ David D. Shelby.....	Huntsville.
5	“ Ira R. Foster.....	Warrenton.
6	“ S. K. McSpadden.....	Center.
7	“ Wm. J. Alexander.....	Borden Spring.
8	“ Merit Street.....	Bluff Spring.
9	“ N. D. Denson.....	LaFayette.
10	“ A. L. Brooks.....	Tuskegee.
11	“ E. H. Moren.....	Centerville.
12	“ A. C. Moorman.....	Bexar.
13	“ R. H. Sterrett.....	Birmingham.
14	“ J. A. Billups.....	Carrolton.
15	“ Jefferson Falkner.....	Bozeman.
16	“ Willis Brewer.....	Hayneville.
17	“ J. K. Henry.....	Greenville.
18	“ A. C. Davidson.....	Uniontown.
19	“ W. H. Evington.....	Bevill's Store.

## SENATORS—CONTINUED.

20th District—	J. F. Griffin.....	Demopolis.
21	" J. M. Davison.....	Brewton.
22	" R. C. Jones.....	Camden.
23	" C. H. Laney.....	Geneva.
24	" A. H. Thomas.....	Clayton.
25	" P. L. Moseley.....	Red Level.
26	" J. T. Norman.....	Union Springs.
27	" W. J. Samford.....	Opelika.
28	" D. S. Troy.....	Montgomery.
29	" J. B. Mitchell.....	Seale.
30	" A. V. Gardner.....	Selma.
31	" W. A. C. Jones.....	Livingston.
32	" Thos. Seay.....	Greensboro.
33	" Daniel Smith.....	Mobile.

LIST OF  
OFFICERS AND MEMBERS  
OF THE  
HOUSE OF REPRESENTATIVES,  
1884-85.  
WITH THEIR POST OFFICE ADDRESSES.

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OFFICERS:

H. CLAY ARMSTRONG, SPEAKER, Auburn.  
D. W. McIVER, CLERK, Tuskegee.  
H. R. HOOD, ASSISTANT CLERK, Monroeville.  
R. BAUGH, ENGROSSING CLERK, Birmingham.  
ROBERT HASSON, DOORKEEPER, Gadsden.  
BRYANT JAMES, ASSISTANT DOORKEEPER, Eufaula.

## MEMBERS.

NAME.	COUNTY.	POST OFFICE.
T. D. Cory	Autauga	Mulberry.
H. Hawkins	Barbour	Hawkinsville.
C. C. Shorter	"	Eufaula.
James Lang	"	Louisville.
J. N. Suttle	Bibb	Centreville.
J. H. Reynolds	Bullock	Mt. Hilliard.
W. C. Jordan	"	Midway.
T. J. Judge	Butler	Greenville.
W. W. Whiteside	Calhoun	Anniston.
W. P. Finley	Chambers	Fredonia.
T. J. Stevens	"	Cusseta.
J. L. Burnett	Cherokee	Centre.
K. Wells	Chilton	Verbena.
C. W. Moody	Choctaw	Melvin.
Isaac Grant	Clarke	Grove Hill.
Wm. Ingram	Clay	Delta.
W. R. Barker	Cleburne	Edwardsville.
J. E. Bishop	Coffee	Victoria.
G. T. McWhorter	Colbert	Chickasaw.
J. D. Burnett	Concuh	Evergreen.
J. A. Suttle	Coosa	Rockford.
Alexander Hart	Covington	Williams Mill.
J. T. Watson	Crenshaw	Aiken.
J. A. Baker	Cullman	Hanceville.
J. W. Dowling	Dale	Ozark.
S. W. John	Dallas	Selma.
John F. White	"	"
Sumter Lea	"	"
H. C. Graham	"	Tasso.
W. J. Haralson	DeKalb	Fort Payne.
J. E. Patterson	Elmore	Tallasee.
W. J. O'Bannon	Escambia	Brewton.
B. L. Archer	Etowah	Gadsden.
R. W. Wood	Fayette	Bucksnot.
W. J. Bullock	Franklin	Bell Green.
J. P. McQueen	Greene	Eutaw.
J. M. Bullock	"	Burton's Hill.
J. H. Alberson	Geneva	Geneva.
A. A. Coleman	Hale	Greensboro.
George Erwin	"	"
J. W. Foster	Henry	Abbeville.
W. H. Bogart	Jackson	Stevenson.
I. P. Brown	"	Limrock.
Chambers McAdory	Jefferson	Jonesboro.
S. E. Greene	"	Birmingham.
T. B. NeSmith	Lamar	Vernon.
R. O. Pickett	Lauderdale	Florence.
H. Richardson	"	Waterloo.
J. H. Branch	Lawrence	Courtland.
J. S. Gibson	"	Mt. Hope.
H. C. Armstrong	Lee	Auburn.
J. T. Holland	"	Lively.

# MEMBERS—CONTINUED.

NAME.	COUNTY.	POST OFFICE.
J. H. Hundley.....	Limestone.....	Mooreville.
W. W. Hill.....	".....	Quid Nunc.
G. H. Gibson.....	Lowndes.....	Morgansville.
L. A. Callier.....	".....	
J. A. Bilbro.....	Macon.....	Tuskegee.
Milton Humes.....	Madison.....	Huntsville.
E. T. Taliaferro.....	".....	New Market.
G. R. Sullivan.....	".....	Madison.
Mims Walker.....	Marengo.....	Faunsdale.
J. J. King.....	".....	McKinley.
K. T. Brown.....	Marion.....	Hamilton.
J. L. Burke.....	Marshall.....	Guntersville.
Z. M. P. Inge.....	Mobile.....	Mobile.
Rufus Dane.....	".....	"
W. D. Toler.....	".....	St. Elmo.
C. C. McDonald.....	".....	Whistler.
B. J. Skinner.....	Monroe.....	Burnt Corn.
W. M. Turney.....	Morgan.....	Faulkville.
Thomas G. Jones.....	Montgomery.....	Montgomery.
Wm. A. Gunter.....	".....	"
A. A. Wiley.....	".....	"
W. H. Lawson.....	".....	"
C. D. Hogue.....	Perry.....	Marion.
W. B. Modawell.....	".....	"
E. D. Willett, Jr.....	Pickens.....	Carrollton.
W. J. Paschal.....	".....	Reform.
T. J. Carlisle.....	Pike.....	Brundidge.
Frank Baltzell.....	".....	Troy.
C. B. Taylor.....	Randolph.....	Rock Mills.
S. S. Scott.....	Russell.....	Uchee.
N. W. E. Long.....	".....	Hurtaboro.
E. G. Walker.....	Shelby.....	Montevallo.
J. T. Green.....	St. Clair.....	Ashville.
L. D. Godfrey.....	Sumter.....	Gainesville.
J. R. Larkin.....	".....	Coatopa.
J. A. Curry.....	Talladega.....	Talladega.
George Hill.....	".....	Syllacauga.
J. P. Burns.....	Tallapoosa.....	Dadeville.
J. V. Ashurst.....	".....	Tallassee.
H. H. Brown.....	Tuscaloosa.....	Tuscaloosa.
A. C. Hargrove.....	".....	"
J. B. Shields.....	Walker.....	South Lowell.
J. M. Pelham.....	Washington.....	St. Stephens.
E. Burson.....	Wilcox.....	Snow Hill.
S. A. Fowlkes.....	".....	Rehobeth.
C. H. Newman.....	Winston.....	Houston.



## INTEREST LAWS IN THE UNITED STATES

STATES AND TERRITORIES.	Legal rate, per cent.	Rate allowed by contract. Per cent.	PENALTIES FOR USURY.
Alabama .....	8	8	Forfeiture of entire interest.
Arizona .....	10	Any rate.	None.
Arkansas .....	6	10	Forfeiture of principal and interest.
California .....	7	Any rate.	None.
Colorado .....	10	Any rate.	None.
Connecticut .....	6	6	None.
Dakota .....	7	12	Forfeiture of excess.
Delaware .....	6	6	Forfeiture of principal.
District of Columbia..	6	10	Forfeiture of entire interest.
Florida .....	8	Any rate.	None.
Georgia .....	7	8	Forfeiture of excess.
Idaho .....	10	18	Forfeiture of 3 times excess of interest.
Illinois .....	6	8	Forfeiture of entire interest.
Indiana .....	6	8	Forfeiture of excess of interest.
Iowa .....	6	10	Forfeiture of 10% per annum on am't.
Kansas .....	7	12	Forfeiture of excess of interest.
Kentucky .....	6	10	Forfeiture of excess over 10%.
Louisiana .....	5	8	Forfeiture of entire interest.
Maine .....	6	Any rate.	None.
Maryland .....	6	6	Forfeiture of excess of interest.
Massachusetts .....	6	Any rate.	None.
Michigan .....	7	10	Forfeiture of excess of interest.
Minnesota .....	7	10	Forfeiture of excess over 10%.
Mississippi .....	6	10	Forfeiture of excess of interest.
Missouri .....	6	10	Forfeiture of entire interest.
Montana .....	10	Any rate.	None.
Nebraska .....	7	10	Forfeiture of interest and cost.
Nevada .....	10	Any rate.	None.
New Hampshire .....	6	6	Forfeiture of thrice the excess.
New Jersey .....	6	6	Forfeiture of entire interest.
New Mexico .....	6	12	None.
*New York .....	6	6	Forfeiture of principal and interest.
North Carolina .....	6	8	Forfeiture of entire interest.
Ohio .....	6	8	Forfeiture of excess above 6%.
Oregon .....	8	10	Forfeiture of principal and interest.
Pennsylvania .....	6	6	Forfeiture of excess of interest.
Rhode Island .....	6	Any rate.	None.
South Carolina .....	7	Any rate.	None.
Tennessee .....	6	10	Forfeit excess of interest and \$100 fine.
Texas .....	8	12	Forfeiture of entire interest.
Utah .....	10	Any rate.	None.
Vermont .....	6	6	Forfeiture of excess of interest.
Virginia .....	6	8	Forfeiture of excess over 6%.
Washington Territory ..	10	Any rate.	None.
West Virginia .....	6	6	Forfeiture of excess of interest.
Wisconsin .....	7	10	Forfeiture of entire interest.
Wyoming .....	12	Any rate.	None.

\*An amendment of the law of New York has legalized any rate of interest upon call loans of \$5,000 or upward, on collateral security.





